

<p style="text-align: right;">Page 154</p> <p>1 154</p> <p>2 customer service.</p> <p>3 MS. NORCROSS: Mark this as</p> <p>4 Defendant's Exhibit 22.</p> <p>5 (Whereupon the above referred</p> <p>6 to document was marked, Defendant's</p> <p>7 Exhibit 22, for identification, as of</p> <p>8 this date, by the reporter)</p> <p>9 Q Take a look at what the reporter has</p> <p>10 marked as Defendant's Exhibit 22, and tell me if</p> <p>11 you can identify it, please.</p> <p>12 A Yes, I can.</p> <p>13 Q What is it?</p> <p>14 A It looks like information used in my</p> <p>15 training for my position at Trump.</p> <p>16 Q And you attended this training,</p> <p>17 correct?</p> <p>18 A I believe via phone.</p> <p>19 Q And the training was on or about</p> <p>20 April 6; would that be correct?</p> <p>21 A Yes.</p> <p>22 MR. UMOH: I am going to</p> <p>23 object to the extent the document</p> <p>24 seems to be missing some pages.</p> <p>25 MS. NORCROSS: There is</p>	<p style="text-align: right;">Page 156</p> <p>1 156</p> <p>2 Q Now during this training, was there</p> <p>3 discussion about how to handle difficult</p> <p>4 residents or customers?</p> <p>5 A I don't recall the specific</p> <p>6 training.</p> <p>7 Q Okay.</p> <p>8 Do you recall being trained on what</p> <p>9 to do with an upset customer?</p> <p>10 MR. UMOH: Objection. The</p> <p>11 document is dated April 26. I have a</p> <p>12 standing objection to any question</p> <p>13 that pertains to this document.</p> <p>14 MS. NORCROSS: I think it's</p> <p>15 pretty nervy for someone who has</p> <p>16 withheld as many pieces of paper as</p> <p>17 you have, to try to put that kind of</p> <p>18 objection on the record.</p> <p>19 Q I am asking you specifically what, if</p> <p>20 any, training you received on how to handle</p> <p>21 difficult customers or residents.</p> <p>22 A To tell you the truth, this was such</p> <p>23 a long time ago, I really can't -- I don't know</p> <p>24 if Jennifer went over the whole program or</p> <p>25 document, or even if it was specific to Trump.</p>
<p style="text-align: right;">Page 155</p> <p>1 155</p> <p>2 nothing missing from my deposition</p> <p>3 exhibit.</p> <p>4 MR. UMOH: Let me finish my</p> <p>5 objection, please.</p> <p>6 MS. NORCROSS: I thought you</p> <p>7 were finished. I am sorry.</p> <p>8 MR. UMOH: It appears to only</p> <p>9 have 7 and 8.</p> <p>10 I object to the introduction</p> <p>11 of this document.</p> <p>12 Q Miss Mann, the training occurred on</p> <p>13 or around April 26; would that be correct?</p> <p>14 A Yes.</p> <p>15 Q Just to make sure we are clear, the</p> <p>16 top page is an e-mail that you sent, right?</p> <p>17 A Yes.</p> <p>18 Q And you signed it Jordan Mann?</p> <p>19 A Yes.</p> <p>20 Q Which was not your name on April 26,</p> <p>21 correct?</p> <p>22 A That was the name I went by.</p> <p>23 Q That was not your accurate legal</p> <p>24 name, correct?</p> <p>25 A No.</p>	<p style="text-align: right;">Page 157</p> <p>1 157</p> <p>2 Q You recall other events that occurred</p> <p>3 in April of 2006, correct?</p> <p>4 A Yes.</p> <p>5 Q But you can't recall this, correct,</p> <p>6 this training?</p> <p>7 A Unfortunately, I can't recall</p> <p>8 everything that's happened in my lifetime.</p> <p>9 Sometimes things stand out and sometimes they</p> <p>10 don't.</p> <p>11 Q Let's go through without referring to</p> <p>12 specifically this training program.</p> <p>13 Do you recall being instructed that</p> <p>14 when you had difficult residents, you were to</p> <p>15 allow the person to speak without interruption,</p> <p>16 in words or substance? I am not asking if you</p> <p>17 recall those specific words, but in words or</p> <p>18 substance?</p> <p>19 MR. UMOH: Objection.</p> <p>20 A I don't remember Jennifer</p> <p>21 specifically saying -- I can only go by an</p> <p>22 example of what happened, by watching my</p> <p>23 supervisors. I don't recall Jennifer saying</p> <p>24 that.</p> <p>25 Q That's not my question.</p>

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 2 My question is, during any training
 3 you received, whether it was Jennifer or
 4 somebody else, do you recall being instructed to
 5 allow the upset person, whether it was a
 6 customer or a resident, to speak without being
 7 interrupted? Do you remember that?
 8 A I don't remember that.
 9 Q Do you recall being instructed that
 10 if you had a difficult resident or customer,
 11 that you should -- if you could not handle it,
 12 you should go to your manager or someone in the
 13 building or in the physical facility?
 14 MR. UMOH: Objection.
 15 A They did not tell me what to do if no
 16 one was present, because at the time, that
 17 account was in such turmoil, and they had fired
 18 my supervisor; so there was no supervisor at the
 19 time.
 20 Q What time are you talking about? I
 21 did not specify a time.
 22 A I guess I was speaking about my time
 23 at Trump.
 24 Q If someone had a question that you
 25 could not answer during your time at Trump, what

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2 159
 3 would you do?
 4 A I would find the answer.
 5 Q How would you do that?
 6 A I would ask whoever I thought would
 7 have the answer.
 8 Q If that person was not physically in
 9 the building, what would you do?
 10 A I would leave a message.
 11 Q Pick up the phone?
 12 A Yes.
 13 Q And so if you had a problem with a
 14 resident, wouldn't you consider picking up the
 15 phone?
 16 MR. UMOH: Objection.
 17 A It depends on the situation. It
 18 depends on the severity of the situation.
 19 I can't make that judgment. I would
 20 have to be put in the predicament to see what
 21 the best answer or best choice of action would
 22 be. If it's a 911 call, it depends on the
 23 situation.
 24 Q On June 8, 2006 you did not pick up
 25 the phone to try to reach anyone at either Plus
 One or in the building, correct?

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1 160
 2 MR. UMOH: Objection.
 3 A Incorrect. I spoke directly with
 4 Mike Murray, my manager.
 5 Q Mike Murray was there, wasn't he?
 6 A Yes.
 7 Q You mentioned this a few times, and I
 8 may be paraphrasing, but you mentioned issues
 9 with Jamie?
 10 A Yes.
 11 Q Describe for me what it is that you
 12 mean when you referred -- earlier in your
 13 deposition, when you referred to the problem
 14 between you and Jamie.
 15 A Describe?
 16 Q Tell me what you know.
 17 A I was directly referring to the
 18 insults and I thought discriminatory practices
 19 that he was doing towards me.
 20 Q Tell me, not in characterizations,
 21 but tell me, as a matter of fact, precisely what
 22 you claim Jamie did, and when.
 23 A At least a few times, he
 24 discriminated against me based on my natural
 25 characteristics of an African American person.

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1 161
 2 Q Again, please, facts.
 3 MR. UMOH: Objection. Is that
 4 a question?
 5 Q You could answer?
 6 A Facts on how he discriminated against
 7 me?
 8 Q Tell me precisely, as best you can
 9 remember?
 10 A He would --
 11 MR. UMOH: Objection.
 12 A He would single me out on saying that
 13 I was not complying to Trump policy.
 14 And I never even received the policy,
 15 but he would walk by white employees who were
 16 blatantly violating policy in black and white,
 17 but never said anything to them in my presence,
 18 but he would always single me out.
 19 Q He never said anything to them in
 20 your presence?
 21 A I questioned each person that was
 22 there, and they told me directly they were never
 23 questioned whatsoever.
 24 Q My question is, do you allow for the
 25 possibility that Mr. MacDonald may have had

41 (Pages 158 to 161)

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1 162
 2 conversations with other people to which you
 3 were not privy? Yes or no?
 4 A No, I don't ascribe to the
 5 possibility, because I believe the credibility
 6 of the co-workers.
 7 Q Who were the co-workers?
 8 A Ryan, Magaly.
 9 Q Does Ryan have a last name?
 10 A I would have to look at my notes.
 11 Q What notes?
 12 A I mean, I furnished a lot of
 13 paperwork in the beginning to the E.E.O.C.
 14 Q That's what you are referring to as
 15 notes, what you sent to the E.E.O.C.?
 16 A Yes.
 17 Q Is there anything else you are
 18 referring to other than what you sent to the
 19 E.E.O.C.?
 20 A It could have been notes that I
 21 jotted down for myself.
 22 Q Where are those notes, if they
 23 continue to exist?
 24 A Most likely in storage.
 25 Q Since the beginning of this case,

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2 163
 2 have you made any effort to obtain those notes,
 3 or find them in storage?
 4 A Yes, I have made an effort.
 5 However, I would find things in
 6 piecemeal, and they would be at different
 7 locations, because I was moving around, yes.
 8 Q Let me tell you why I am having
 9 difficulty with this.
 10 You filed the lawsuit. We got it in
 11 the mail. You filed the lawsuit, and there are
 12 certain obligations that go with that.
 13 A Yes.
 14 Q What I am trying to determine when I
 15 start asking about these papers is, what else is
 16 in existence that has not been searched or
 17 provided to us, which is a problem. That's what
 18 I am trying to figure out.
 19 I understand about moving, and I
 20 understand about storage units and all that
 21 stuff. What I am trying to figure out is what
 22 is still out there that we don't have. It's an
 23 explanation for why I keep asking about this
 24 paper, that's all.
 25 So my question is, you say you have

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1 164
 2 notes that you made to yourself.
 3 What I am asking is, where are they,
 4 because I don't have them.
 5 MR. UMOH: Objection.
 6 A I mean, it was not anything like
 7 professional or court presentation. It's on a
 8 little note pad, like let me write down Ryan's
 9 name or something.
 10 Q It's not my job to explain what it is
 11 you're supposed to produce. That's your
 12 lawyer's job. I will leave that for you two to
 13 discuss.
 14 We are entitled to all of it, and we
 15 are going to need somehow for it to be produced
 16 quickly, okay?
 17 A Okay.
 18 Q So there may be some notes?
 19 A Yes.
 20 Q Ryan's last name is?
 21 A I don't remember.
 22 I do remember first names, though.
 23 Q Magaly, you don't know?
 24 A I saw it in here. It was in one of
 25 these documents.

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1 165
 2 Q Okay. At this point, I am just
 3 concerned about time?
 4 MR. UMOH: Let the record
 5 reflect, plaintiff was not allowed to
 6 refresh her memory.
 7 MS. NORCROSS: It's up to me
 8 whether I show her a document to
 9 refresh her memory.
 10 Q Anyone else?
 11 A The question, who was employed there
 12 while I was there?
 13 Q No. The question was, who were these
 14 other people that you are sure Jamie never spoke
 15 to that you described as violations?
 16 A Lisa. No, not Lisa. Sylvia.
 17 Q Anyone else?
 18 A Those are the ones that pop out right
 19 now.
 20 Q Before we get to those people, the
 21 specifics of those people, I want you to tell
 22 me, please, exactly how you claim Jamie singled
 23 you out, which is the way you put it.
 24 A Well, he singled me out based on his
 25 dislike of my African American traits, my hair,

42 (Pages 162 to 165)

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1 166
2 because he walked right by the employee who was
3 violating the Trump policy that he showed me
4 afterwards.

5 Even though he could not say how I
6 violated the policy, he continued to say my hair
7 was not normal, it was not appropriate, it was
8 not current, it's not appropriate for this
9 establishment.

10 Then even Chris Ciatto admitted to me
11 Jamie made a mistake in reprimanding me for my
12 hair, and he apologized for Jamie.

13 I was the only one basically sent
14 home, because every time I saw a different
15 person in Plus One, they had a new issue or
16 making up some way why I was not compliant, but
17 could not say why.

18 Q Again, I am trying to get facts.

19 Jamie said something or things to you
20 about your hair; is that right?

21 A Yes.

22 MR. UMOH: For the record, I
23 want to request a copy of Plaintiff's
24 deposition to review.

25 MS. NORCROSS: Sure.

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2 Q I want to show you again what we have
3 previously marked as Defendant's Exhibit 18, the
4 third page of that exhibit.

5 A Yes.

6 Q It is accurate that you did not
7 function as the receptionist at Trump between
8 2002 and 2006, correct?

9 A You are saying I did not act as
10 receptionist?

11 Q You did not?

12 A I had many hats while an employee at
13 Trump, so receptionist was one of them.

14 Q Between 2002 and February 2006, you
15 were a massage therapist, right?

16 A Yes.

17 Q But this resume reflects that you
18 were assistant to general manager for a
19 four-year period, roughly, does it not?

20 A I went to the work force. And you
21 have to go through a series of trainings, and
22 they tell you how to format your resume and what
23 to put on there.

24 I always put the last position I
25 held. When I go to the interview, how I got to

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1 that position at the company.

2 Q Similarly, a couple of pages back,
3 where you identify your job at Plus One as
4 customer service manager, you similarly have the
5 dates there, 2002 to 2006, correct?

6 A On the sheet that I am looking at,
7 the date says 2002 to 2006.

8 Q Okay. I want you to, as best you
9 can, tell me exactly what Jamie McDonald said to
10 you, the words he used, as best you can
11 remember, that you found problematic or
12 inappropriate.

13 A He commented that my hair was not
14 normal, it was not current, that my hair was
15 inappropriate.

16 Q Anything else that you can
17 remember?

18 A Those are the three things that stood
19 out for me.

20 Q Did he say those three things on one
21 occasion or were they different occasions?

22 A Several. He repeated those on more
23 than one occasion.

24 Q When you say more than one, how
25

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1 many?

2 A It could have been like two or
3 three.

4 Q But I need you to tell me how many it
5 was. Not what it could have been, but what it
6 was.

7 A Roughly two to three.

8 Q Were these on different dates or on
9 the day?

10 A Then that changes the situation,
11 because he said those words, okay? He said
12 those words sometimes frequently, like more than
13 once in one meeting. I know at least to three
14 times during that meeting, he had said that.
15 Like the first time he came out of the elevator,
16 he said, it's not normal. It's not current.

17 Another time, when I had a meeting
18 with him and Tom and I, he said those things
19 again. I know he called me on the phone one
20 time. I know at least two different dates.

21 Q So on two different occasions --

22 A At least.

23 Q On two that you remember --

24 A What stands out right now are two,
25

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1 170
 2 definitely. Right now, I definitely remember
 3 two specific incidents.
 4 I don't recall the other times where
 5 I encountered Jamie and the topic came up
 6 again.
 7 Q There are times you can remember,
 8 sitting here right now --
 9 A Yes.
 10 Q -- that you can recall having
 11 these -- that Jamie was saying these things,
 12 correct?
 13 A Yes.
 14 Q Can you recall more than two?
 15 A I would have to reflect on my memory.
 16 If I take time and think, I don't
 17 want to be pressured and have it seem I am
 18 trying to waste time.
 19 Q I don't think your trying to waste
 20 time.
 21 A If I recall correctly, it's at least
 22 more than two times. But right now, I can
 23 remember specifically two times.
 24 Q And that's what I am trying to get
 25 at. I am trying to find out what it is that you

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2 171
 3 remember.
 4 And you remember two specific
 5 incidents?
 6 A Yes.
 7 Q When did the first incident occur?
 8 A If I can recall correctly, it was
 9 April 5, 2006.
 10 Q And where did this incident occur?
 11 A It occurred at Trump World Towers.
 12 Q Where?
 13 A The health club.
 14 Q Was it at the front desk?
 15 A Yes, it was.
 16 Q And was there anyone else present
 17 during this --
 18 A Yes, there was.
 19 Q Who was that?
 20 A It was out in the open. There were
 21 residents working out, employees working.
 22 Q Can you give me their names please?
 23 MR. UMOH: Objection.
 24 MS. NORCROSS: What is the
 25 objection?
 MR. UMOH: Who is "they"?

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1 172
 2 MS. NORCROSS: The clients,
 3 residents, employees she just
 4 identified.
 5 A Specifically, I think that
 6 information can be gotten from Plus One's
 7 attendance log, because I had to punch in the
 8 information every day of who was in attendance.
 9 Plus One should have information,
 10 clients who were present at that time in the
 11 facility.
 12 Q Do you know the names?
 13 A I don't recall right now.
 14 Q What, if anything, would help you
 15 recall, other than what you think Plus One may
 16 have?
 17 A It's hard to recall specifically who
 18 was working at that time. I really was not in
 19 social interaction, like I kept in touch with
 20 these people, so I don't remember their names.
 21 Sometimes it's like the residents
 22 would have their friends come in as guests, as
 23 well.
 24 Q Sitting here today, can you identify
 25 for me the name of anyone that you claim was an

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1 173
 2 observer or a witness to this interaction you're
 3 describing between yourself and Jamie McDonald?
 4 A I know there is a co-worker, Magaly.
 5 Her last name is in one of the documents here.
 6 She saw Jamie come in.
 7 Q She saw Jamie come in?
 8 A I am sorry. She was present right
 9 when Jamie came in. As soon as he came off the
 10 elevator, Magaly was present.
 11 Q Then what occurred after he came off
 12 the elevator?
 13 A As soon as he came off the elevator,
 14 he kind of jolted when he looked at me. And he
 15 was walking around the front desk, and he was
 16 looking at me askew. And I was a little bit
 17 puzzled as to why he was looking at me like
 18 that.
 19 Q Had you ever met Jamie before?
 20 A I believe once prior to that.
 21 Q Would you say you knew him well on
 22 April 6, 2006?
 23 A 2000 --
 24 Q 2006?
 25 A I just met him, yes.

44 (Pages 170 to 173)

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1 174
2 Q You would agree with me, you did not
3 know him well?

4 A Right. Yes.

5 Q So he got off the elevator. He
6 looked at you, as you described it, askew.

7 And then what occurred?

8 MR. UMOH: Objection.

9 A When he was coming off the elevator
10 his facial expression, it did not seem pleasant.
11 It seemed like he had a grimace on his face,
12 looking at me in disgust. And I could not
13 understand, well, why would he be, you know.

14 Then he came around and said, Did Tom
15 talk to you about your hair? And I was like,
16 No. What are you talking about? He said, You
17 need to change your hair. I thought he was
18 joking. I thought it was banter, because I did
19 not know him.

20 He said, No. I am serious. I said,
21 You are not joking. He said, Your hair is not
22 normal. It's inappropriate. You have to do
23 something with it. It's not current.

24 He started reprimanding me. I felt I
25 was being insulted out in the open. And even

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1 175
2 Bob Welter --

3 Q Let's stay with what occurred --
4 well, was Bob Welter there during this
5 incident?

6 A No.

7 Q Let's stick to this incident.

8 What occurred at this point in time?
9 Did he say anything else?

10 A Yes, he did say other stuff.

11 I knew something was fishy because he
12 never could tell me what policy I was violating
13 at Trump.

14 Q Miss Mann, I am only going to
15 interrupt you because are you still describing
16 for me what occurred on this specific incident,
17 on April 5?

18 A Yes, the interaction and how it was
19 strange, because he was saying that I needed to
20 change my hair. He could not give me a reason
21 how my hair was violating policy.

22 He said, Did you get the policy,
23 grooming standards? I said, What grooming
24 standards?

25 While I was employed at Trump, I was

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1 176
2 never given any grooming standards from Trump.
3 I could not understand what he was talking
4 about.

5 The first time I met Jamie, I had a
6 head wrap on.

7 Q Okay, I need you to focus on my
8 questions.

9 A Okay.

10 Q I am talking about the date that you
11 have given me as April 5, 2006, okay?

12 A Okay.

13 Q On April 5, 2006, did you have a head
14 wrap on?

15 A No.

16 Q Did Jamie say anything else other
17 than what you have already told me?

18 A Yes. We continued the conversation.

19 And he was like, Well, Tom did not
20 give you -- something about if Tom did not give
21 you the grooming standards. He had to find it,
22 and he was not sure whether Tom even had it.

23 He said, You have to change your
24 hair. I just remember this was a very urgent
25 matter, basically.

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1 177
2 Then we had set up a meeting with Tom
3 Nizszczak, my supervisor, to discuss the grooming
4 standards.

5 Q How long did this discussion between
6 you and Jamie last?

7 A I can only estimate.

8 Q Sure.

9 A Can you repeat the question?

10 Q I sure can.

11 My question was, how long did this
12 conversation on April 5, 2006 between you and
13 Jamie last?

14 A It could have been approximately,
15 back and forth, a half hour. It could be.

16 Q It could have been less, but probably
17 not more than half an hour, would that be
18 accurate?

19 MR. UMOH: Objection.

20 A I don't believe it could have been
21 less, because I think I remember Jamie had to
22 call me back, and we discussed it again --

23 Q Okay.

24 A -- when he left the facility that
25 day.

45 (Pages 174 to 177)

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1 178
 2 Q You talked to Jamie twice that day;
 3 is that true?
 4 A Well, I know I spoke to him -- okay.
 5 I don't remember in the time frame of the next
 6 time I had to meet with Jamie and Tom.
 7 I can definitely say yes, we spoke
 8 about the whole hair thing on April 5, about a
 9 half hour.
 10 Q Let me make sure I understand. You
 11 had an in-person conversation with Jamie on or
 12 about April 5?
 13 A Yes.
 14 Q When he got off the elevator and you
 15 talked about your hair, correct?
 16 A Yes.
 17 Q That conversation lasted about a half
 18 hour, give or take; is that correct?
 19 A Yes.
 20 Q That conversation alone, is there
 21 anyone that you know of that witnessed or
 22 observed or heard that conversation?
 23 MR. UMOH: Objection.
 24 A I can't say who was paying attention
 25 or what they were able to hear, per se, because

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1 179
 2 I would be speaking for them. But I know who
 3 was in close proximity and acknowledged the
 4 conversation and so forth.
 5 Q Let me make sure I understand your
 6 answer.
 7 What you are saying is, there were
 8 some people around, but you don't know whether
 9 they heard the conversation or did not?
 10 A I don't know if they heard the entire
 11 conversation.
 12 Q Do you know if anybody did?
 13 A I believe Magaly did. We had a
 14 discussion after Jamie left.
 15 Q What was that discussion?
 16 A The discussion was my job being in
 17 jeopardy and me being in trouble for breaking
 18 Trump standards that I did not see.
 19 Q And that is something you told
 20 Magaly?
 21 A No. You are talking about common
 22 knowledge, that everybody knows already.
 23 Q Did she specifically tell you she had
 24 heard the conversation between you and Jamie?
 25 A I know that she -- okay. I am trying

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1 180
 2 to think specifically what she said, verbatim.
 3 I know she did communicate to me that
 4 she knew I was in trouble. I can definitely say
 5 that. She did communicate that to me.
 6 Q Did she tell you she had heard the
 7 conversation between you and Jamie?
 8 A I don't recall.
 9 Q Then you said you had another
 10 conversation with Jamie that day; is that
 11 correct?
 12 A I am not sure. But there was another
 13 time where we did speak. I know he called, and
 14 there was a point where that's when we made the
 15 meeting with Tom. I know there was contact with
 16 either Tom or I to schedule the next meeting
 17 about my hair.
 18 Q During that contact to schedule the
 19 meeting, did Jamie say anything to you
 20 specifically about your hair, or was the
 21 conversation just about setting up the
 22 meeting?
 23 A About changing my hair.
 24 Q What did he say?
 25 A I don't remember specifically. Like

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1 181
 2 I knew something was strange, because he could
 3 not give me, okay, well how am I not complying;
 4 and he could not answer me.
 5 Q Did you ask him that question?
 6 A Yes, I did.
 7 Q You have to let me finish.
 8 A I am sorry.
 9 Q That's okay.
 10 Did you ask him that question in the
 11 conversation to set up the meeting?
 12 Understand, I am trying to separate
 13 out, as much as possible, the different
 14 conversations.
 15 A Sure. Well, he set up the meeting,
 16 and it was not my decision. It was his
 17 decision.
 18 I am sorry. The question again? I
 19 am sorry. I have had so many questions today.
 20 Q That's all right.
 21 The question was -- let me try it
 22 this way.
 23 You had an in-person conversation on
 24 April 5, then you had a conversation with
 25 somebody about setting up a meeting?

46 (Pages 178 to 181)

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1
2 A Yes.
3 Q Do you remember if that was Jamie or
4 Tom, or you don't know?
5 A I know Tom, definitely. We discussed
6 having the meeting, yes. I know Tom and I, we
7 discussed having a meeting.
8 Q Then you had the meeting, correct?
9 A Yes, we did.
10 Q Where did the meeting take place?
11 A The meeting took place in Tom
12 Nizszak's office at Trump World Towers.
13 Q What date?
14 A I have it reflected in some of the
15 documents here.
16 Q Tell me what you remember.
17 A Of the meeting?
18 Q My question is, when did the meeting
19 take place?
20 A Soon after the April 5, 2006
21 incident.
22 Q And who was present?
23 A Jamie MacDonald, Tom Nizszak and I
24 were present.
25 Q As best you can remember, please tell

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2 me what was said, and by whom.
3 A Well, the majority of the
4 conversation was between Jamie and I. Tom was
5 basically neutral. He was just being a witness,
6 and I guess taking down information.
7 I know he had interjected -- tom
8 interjected he never saw the Trump grooming
9 standards. Jamie reiterated how my hair was not
10 normal, it was inappropriate.
11 Q Was anything resolved at that
12 meeting?
13 A No, nothing was resolved.
14 Since nothing was resolved, I
15 immediately contacted Human Resources.
16 Q And you had a conversation with
17 Heather Davis; is that correct?
18 A Yes.
19 Q Heather Davis, sitting to my left?
20 A Yes.
21 Q So you two know each other?
22 A Yes.
23 Q Please tell me, as best you remember,
24 what you said and what she said in that meeting.
25 A I know I initiated this meeting

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1 because I was flabbergasted and shocked and
2 could not believe this was happening.
3 And I felt I was being discriminated
4 against, so I went to Heather. I started
5 telling her what had happened between Jamie and
6 I. And I believe I mentioned the meeting with
7 Tom, saying how Jamie had discriminated against
8 me, reprimanded me because of my hair.
9 Then I was concerned as to Jamie had
10 veered away from company policy by reprimanding
11 me out in the open instead of in a closed
12 office. Basically I was discussing what
13 happened and how to take action.
14 Q You were upset, right?
15 A I was upset. A variety of emotions:
16 Upset, in amazement, kind of sad, in 2006,
17 someone would have the gall to say that to
18 another person.
19 Q You told me what you said.
20 What did Miss Davis say?
21 A I know I could remember that she got
22 real nervous once I said that I had filed some
23 forms with the E.E.O.C. So the meeting was
24 adjourned, and I assume she went to go talk to
25

Page 185

185

1 her supervisor.
2 Q Do you know that?
3 A I just said I assumed. I don't
4 know.
5 Q Had you ever met Heather before?
6 A To be honest with you, I don't know.
7 It could be I had filled out prior paperwork. I
8 don't remember.
9 Q Would you agree with me that at the
10 time you had this meeting with her, you did not
11 know her well?
12 A Correct. Yes.
13 Q How was it that you concluded she was
14 nervous?
15 A Well, I concluded that because she
16 jumped up, and she was sort of jittery, going
17 back to and fro. Her movements were not slow
18 and deliberate.
19 Q Would it surprise you to know, her
20 movements are never slow and deliberate?
21 A I was observing her composure, and it
22 changed.
23 Q In all of the conversations you had
24 with Jamie, did he ever say the problem with
25

47 (Pages 182 to 185)

Page 186

1 186
 2 your hair is because you're African American?
 3 A Well, it depends how you interpret
 4 it. He said, We can't make allowances for
 5 people with hair like you.
 6 Q Did he say because you were African
 7 American?
 8 A He did not specifically quote that.
 9 Q Do you know whether Jamie supervised
 10 any other African American employees?
 11 A Yes.
 12 Q And did he?
 13 A Yes. I don't know if any African
 14 American employees were under his immediate
 15 supervision, but I am sure a couple of levels
 16 down, sure. There were other African Americans
 17 who worked at the Trump world site.
 18 Q Do your knowledge, did he say
 19 anything to those other African American
 20 employees about their hair?
 21 A Well, the African American guy that I
 22 can't remember, he had a shaved head.
 23 Q Do you know if Jamie said anything to
 24 that employee about his shaved head?
 25 A I can't say.

Page 187

1 187
 2 Q After you met with Heather, you
 3 scheduled a meeting with her immediate superior,
 4 did you not?
 5 A I believe so.
 6 I know eventually I set up a meeting
 7 with Bob Welter.
 8 Q Bob Welter was the president of Human
 9 Resources; is that correct?
 10 A Yes.
 11 Q and you went to his office to have
 12 that meeting?
 13 A Yes.
 14 Q You brought a tape recorder?
 15 A Yes, I did.
 16 Q At the time you had the meeting with
 17 Bob Welter, were you represented by counsel?
 18 A No.
 19 Q When you walked into Mr. Welter's
 20 office, you told him you had a tape recorder and
 21 asked for permission to record the conversation;
 22 is that right?
 23 A All I know is, we had a conversation.
 24 Q Isn't it true, you did not even tell
 25 him you were recording the conversation?

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1 188
 2 MR. UMOH: Objection.
 3 A I remember me bringing a ruler.
 4 Q And you measuring your own hair?
 5 A No. He actually measured it.
 6 Q Have you listened to the tape
 7 recording recently?
 8 A No, I have not.
 9 Q I would suggest that you listen to
 10 it.
 11 A Okay.
 12 Q You may want to change that part of
 13 your testimony.
 14 A His hands were on my head. I can say
 15 we both did it at the same time.
 16 Q Your testimony is whatever it is.
 17 I am telling you, I will give you the
 18 opportunity to correct it.
 19 A Yes, that is cool.
 20 Q When you went to have the meeting
 21 with Mr. Walter, why did you take a tape
 22 recorder?
 23 A In the meeting with Heather, I knew
 24 something was very fishy because when they said
 25 if I did not cut my hair, I had to get a

Page 189

1 189
 2 transfer, but the job was not promised. When
 3 they said the job was not promised, then that
 4 means I won't have a job, and that's like being
 5 fired.
 6 I said, Can I get this in writing, if
 7 I get a transfer, I will definitely have a job?
 8 I knew something was fishy when
 9 Heather objected to me getting something in
 10 writing.
 11 Q What exactly did Heather say in that
 12 regard?
 13 A In regard to?
 14 Q Getting something in writing, as you
 15 were just testifying.
 16 A From what I recall, she said she
 17 could not give me something in writing.
 18 Q Did she say anything else?
 19 A Yes. There was more discussion
 20 within the meeting. You can ask me specific
 21 questions on issues.
 22 I also talked about, like, the focus
 23 is like on my hair.
 24 She definitely said people should not
 25 come off the elevator and be shocked. The word

48 (Pages 186 to 189)

Page 190

1 190
 2 shocked was a word used.
 3 Jamie was not reprimanded, how he
 4 handled the situation, reprimanded me out in the
 5 open.
 6 Q Do you know whether or not Jamie was
 7 reprimanded?
 8 A No, I don't.
 9 Q I am still trying to figure out, why
 10 did you decide to bring a tape recording into
 11 your meeting with Mr. Welter?
 12 A So everyone could know what the truth
 13 was.
 14 Q Everyone, meaning who?
 15 A Basically, I already filed a charge
 16 with the E.E.O.C.
 17 Q Okay.
 18 A So that was on April 5.
 19 And I wanted to make sure the truth
 20 and everything was out in the open.
 21 I know early on, they were trying to
 22 say that I was given the Trump grooming
 23 standards, which I was not. And I was hired
 24 well before this whole Jamie incident happened.
 25 It was strange how Jamie, Jamie was

Page 191

1 191
 2 never up front as to how I violated the policy.
 3 He could not even tell me the first day, and
 4 then he made something up.
 5 Every time I went to a different
 6 person in Plus One management, they had
 7 something different to say about my hair.
 8 MS. NORCROSS: Move to
 9 strike.
 10 Q My question is, why did you bring a
 11 tape recorder into the meeting with
 12 Mr. Welter?
 13 A Because I wanted to make sure the
 14 truth was known.
 15 Q Known to whom? That's the question
 16 you did not answer.
 17 A Well, for one, people at Plus One.
 18 I wanted to see what Bob Welter was
 19 going to say. I wanted to hold people
 20 accountable to there word.
 21 Q Why did you hide the fact that you
 22 were recording the conversation?
 23 A I did not hide the fact.
 24 Q Did you tell Mr. Welter you were
 25 going to record the conversation?

Page 192

1 192
 2 A I don't remember if I told him.
 3 Q Did you ask Mr. Welter's permission
 4 to record the conversation?
 5 A I don't remember asking.
 6 Q Where was the tape recorder?
 7 A It was in my hand.
 8 Q Where was your hand?
 9 A Like I am sitting in a chair, if I
 10 recall, I was sitting like this. The desk was a
 11 little shorter.
 12 Yes, I am sitting like this, and it's
 13 in my hand.
 14 Q Did you ever provide Mr. Welter a
 15 copy of the recording, or the recording
 16 itself?
 17 A No, I did not.
 18 Q Did you provide that recording to the
 19 E.E.O.C.?
 20 A I don't think so. I don't remember.
 21 I honestly don't know.
 22 Q Did you provide it to anyone else?
 23 A Yes, I did.
 24 Q To whom?
 25 A I provided it to my lawyer.

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1 193
 2 Q Other than your lawyer, did you ever
 3 give it to anyone else?
 4 A No.
 5 Q Why not?
 6 A Well, why would anyone need to know?
 7 Q Well, your earlier testimony was, you
 8 were recording it so the people at Plus One
 9 would know the truth, or words to that effect.
 10 A I think by the time I copied it, Bob
 11 was no longer at the company. He had put in his
 12 resignation.
 13 Q Did you provide it to Chris Ciatto?
 14 A No. I remember Chris had said he was
 15 not familiar with human resource policy or
 16 whatever. He actually referred it to Bob
 17 Welter.
 18 Q Did you provide it to -- do you know
 19 the man who was here before, Dave Milani?
 20 A Yes.
 21 Q In fact, you scheduled a meeting with
 22 Mr. Milani, correct?
 23 MR. UMOH: Objection.
 24 A Scheduled a meeting?
 25 Q After Mr. Welter, you scheduled a

49 (Pages 190 to 193)

Page 194

1 194
 2 meeting to talk to Mr. Milani, did you not?
 3 A I believe it was he who initiated it,
 4 because he was taking up for Bob Welter.
 5 Q You did, in fact, schedule a meeting
 6 with Mr. Milani, or he --
 7 A I know I did meet with Dave. I don't
 8 know if that was after June 9. I am not cool on
 9 the day. I have to look at my notes again that
 10 I wrote down, you know.
 11 Q You recall that you had a meeting
 12 scheduled with him. That's all I am trying to
 13 get at.
 14 A Well, I know that I asked him to
 15 continue where Bob had left off, because I had
 16 continued to be singled out.
 17 Q Did you give Mr. Milani a copy of
 18 your tape recording?
 19 A No, I did not.
 20 Q Why not?
 21 A I don't think it was transferred by
 22 then. I don't think it was transferred to
 23 e-mail or CD format.
 24 I had a P.C., and I did not have the
 25 necessary software to transpose it. I did not

Page 195

1 195
 2 know how to do that yet. It was from a digital
 3 recorder.
 4 Q Did you take it to Mr. Milani's
 5 office and let him listen to it?
 6 A No.
 7 MS. NORCROSS: Mark this as
 8 Defendant's Exhibit 23.
 9 (Whereupon the above referred
 10 to document was marked, Defendant's
 11 Exhibit 23, for identification, as of
 12 this date, by the reporter)
 13 Q Take a look at what has been marked
 14 as Defendant's Exhibit 23, and tell me if you
 15 can identify it when you are finished looking it
 16 over, okay?
 17 A Okay. I have looked it over.
 18 Q Have you seen these e-mails before?
 19 I will tell you this: This document
 20 is a collection of e-mails between you and other
 21 Plus One employees, correct?
 22 A Yes.
 23 Q Have you seen these e-mails before?
 24 A Yes, I have, yes.
 25 Q I would like you to go to the second

Page 196

1 196
 2 to the last page of the document bearing the
 3 little numbers on the right hand corner, JM0125.
 4 Do you see where I am?
 5 A Yes.
 6 Q That e-mail says sent Friday,
 7 5-5-2006. Do you see that?
 8 A Yes.
 9 Q Is this an e-mail that you received
 10 from Michael Matto?
 11 A Yes.
 12 Q Mr. Matto is the president of Plus
 13 One; is that correct?
 14 A I don't know what he is right now,
 15 but at the time, he was.
 16 Q When you got this e-mail, he was the
 17 president of the company?
 18 A Correct.
 19 Q At the time you received this e-mail,
 20 did you read it?
 21 A Yes, I did.
 22 Q And did you come to some
 23 understanding about what it meant?
 24 A Some understanding, yes.
 25 Q Okay. What was that?

Page 197

1 197
 2 A I was still a little bit puzzled as
 3 to why I was still being singled out, but I got
 4 this letter.
 5 Q Say it again.
 6 A Like for instance, even though it
 7 says my hair was acceptable, they still --
 8 within the e-mail, he still wanted me to make
 9 changes to my hair.
 10 So I could not understand why he
 11 singled me out as opposed to any other
 12 co-workers who were blatantly violating policy,
 13 but he was still asking me to change my hair in
 14 some respect.
 15 Q In this e-mail, he tells you your
 16 hair --
 17 A Well --
 18 Q Hang on. Let me finish.
 19 In this e-mail, he said, and I quote,
 20 As to your hairstyle, though it is acceptable in
 21 all of our sites, some hairstyles are not. And
 22 we have taken action at your current location to
 23 ask some of our employees to change their
 24 hairstyle when working at that site.
 25 I personally regret that there was

50 (Pages 194 to 197)

Page 198

1 198
 2 some confusion on our part with respect to your
 3 hairstyle, and you have my sincere apology.
 4 A Okay.
 5 Q Did you read that paragraph?
 6 A Yes, I did.
 7 Q Did you have any understanding of
 8 what was being said to you in that paragraph?
 9 A Well, in my interpretation, I felt it
 10 was basically, I did not get the answer until he
 11 consulted his lawyer, and that it was a legal
 12 response, and it did not come from the heart.
 13 There are women at the site that had
 14 hair a foot longer than I. I could not
 15 understand why he was focusing on me, with my
 16 hair length, but women had hair like a foot
 17 longer than me. That kind of made me feel
 18 uncomfortable to see how real his response was,
 19 sincere.
 20 Q You wrote to him that morning, you
 21 wrote Mr. Matto, the president of the company,
 22 at 6:52 on May 2, 2006, correct?
 23 A I would have to look at the e-mail.
 24 Q Well, look at it. It's right there
 25 in front of you.

Page 199

1 199
 2 A Yes, okay.
 3 Q So you wrote Mr. Motto at 6:52 that
 4 morning, correct?
 5 A Yes.
 6 Q And he responded to your e-mail at
 7 10:48 that same morning, correct?
 8 A Correct.
 9 Q But that did not satisfy you; is that
 10 correct?
 11 A Well, I did not feel that my job was
 12 still safe because when they hired a new site
 13 manager, the first day the site manager started,
 14 I was the only one questioned about grooming
 15 standards and taken behind closed doors.
 16 Q Are you talking about Christian
 17 Garcia?
 18 A Yes. I had a handshake, and he was
 19 coming up with new regulations. I was not
 20 supposed to where stud earrings.
 21 Q Mr. Garcia came from the Waldorf
 22 Astoria to the Trump World Towers, correct?
 23 A I don't know.
 24 Q He was from another facility?
 25 A Correct.

Page 200

1 200
 2 Q Different facilities have different
 3 standards, correct?
 4 A No facility operates the same.
 5 Q Are you aware of the fact that at the
 6 Waldorf Astoria, the fitness employees are not
 7 permitted to wear earrings?
 8 A Well, Christian did not make that
 9 distinction. He did not say whether or not I
 10 could wear earrings. He was -- well, whatever.
 11 MS. NORCROSS: Move to strike.
 12 Read back the question.
 13 (Whereupon, the above referred
 14 to question was read back by
 15 the reporter.)
 16 Q Let me rephrase it.
 17 Are you aware of the fact that in
 18 2006, at the Waldorf Astoria, the fitness
 19 employees were not permitted to wear earrings?
 20 A I was not familiar with Waldorf
 21 policy.
 22 Q On the day that you and Christian had
 23 this conversation, are you aware of the fact
 24 that you were the only employee there at the
 25 time who was wearing earrings?

Page 201

1 201
 2 A Repeat the question.
 3 MS. NORCROSS: Read it back,
 4 please.
 5 (Whereupon, the above referred
 6 to question was read back by
 7 the reporter.)
 8 A Well, if I can recall correctly, if
 9 Magaly was present that day, she always wore
 10 earrings; and Magaly is a female.
 11 Q You are saying if she was present.
 12 Do you know if she was?
 13 A Plus One records would be able to
 14 reflect that.
 15 Q That is not my question.
 16 My question is, do you know?
 17 A From what I remember, I thought she
 18 was there that day.
 19 MR. UMOH: Before we go on,
 20 it's past 5:00. She has been deposed
 21 for seven hours.
 22 MS. NORCROSS: You showed up
 23 here about a quarter after 10:00, and
 24 you took long for lunch.
 25 It has not been seven hours.

51 (Pages 198 to 201)

Page 202	Page 204
<p>1 202</p> <p>2 MR. UMOH: We showed up at</p> <p>3 1:00, and we were sitting downstairs</p> <p>4 for a half hour.</p> <p>5 MS. NORCROSS: I came in at</p> <p>6 1:00, and there was no one there.</p> <p>7 MR. UMOH: Off the record.</p> <p>8 (Discussion off the record)</p> <p>9 MR. UMOH: This is Plaintiff's</p> <p>10 counsel. And we are in the middle of</p> <p>11 the deposition, and we would like the</p> <p>12 judge to resolve it, if possible.</p> <p>13 THE LAW CLERK: The judge is</p> <p>14 not available now.</p> <p>15 MR. UMOH: The judge allocated</p> <p>16 10 hours for the deposition today and</p> <p>17 an unspecified amount tomorrow.</p> <p>18 MS. NORCROSS: We have the</p> <p>19 judge's order. It has to do with the</p> <p>20 hour allocation, is the best I</p> <p>21 understand this.</p> <p>22 The judge ordered 10 hours of</p> <p>23 deposition time today and then</p> <p>24 additional time tomorrow morning,</p> <p>25 depending upon when Miss Mann needs</p>	<p>1 204</p> <p>2 Plaintiff has been produced so far</p> <p>3 for seven hours of deposition.</p> <p>4 We feel the deposition with</p> <p>5 Plus One is concluded.</p> <p>6 MS. NORCROSS: We have the</p> <p>7 court reporter here. The actual</p> <p>8 deposition time has been something</p> <p>9 just under six hours, but call it</p> <p>10 six.</p> <p>11 My intent at this point is to</p> <p>12 finish up one line and then let</p> <p>13 Mr. Derschowitz start. We are going</p> <p>14 to be going until whenever.</p> <p>15 THE LAW CLERK: The judge is</p> <p>16 on the bench.</p> <p>17 I can't give you a ruling on</p> <p>18 this. I am only the law clerk, and</p> <p>19 not the appointed judge.</p> <p>20 But my reading of the letter</p> <p>21 is that the plaintiff is to be</p> <p>22 questioned for 10 hours, and I am</p> <p>23 sure the judge would say that does</p> <p>24 not include a lunch brake.</p> <p>25 So we can call you back when</p>
Page 203	Page 205
<p>1 203</p> <p>2 to leave for her flight to Singapore.</p> <p>3 And we resolved earlier this</p> <p>4 morning, she needs to leave about</p> <p>5 12:30, which is fine.</p> <p>6 The issue that has arisen is</p> <p>7 Plaintiff's counsel believes that --</p> <p>8 he is concerned about the allocation</p> <p>9 of deposition time between me, as</p> <p>10 counsel for two of the Defendants,</p> <p>11 and Harold, as counsel for the other</p> <p>12 two.</p> <p>13 I have taken six hours of</p> <p>14 deposition. We have been here for</p> <p>15 approximately seven. There was a</p> <p>16 one-hour lunch break.</p> <p>17 What Mr. Umoh is suggesting is</p> <p>18 that the one-hour lunch brake counts</p> <p>19 towards my seven hours, which I have</p> <p>20 explained to him is contrary even to</p> <p>21 the comments in the federal rule</p> <p>22 book.</p> <p>23 THE LAW CLERK: Mr. Umoh, is</p> <p>24 that correct?</p> <p>25 MR. UMOH: That is correct.</p>	<p>1 205</p> <p>2 she is off the bench.</p> <p>3 MR. UMOH: One defendant may</p> <p>4 depose her for 10 hours?</p> <p>5 THE LAW CLERK: My reading of</p> <p>6 the letter, the letter said plaintiff</p> <p>7 may be questioned for 10 hours on</p> <p>8 August 12.</p> <p>9 MS. NORCROSS: The only thing</p> <p>10 we don't seem able to agree on, we</p> <p>11 are in the Lester Schwab offices.</p> <p>12 THE LAW CLERK: If I were you</p> <p>13 guys, I would try to resolve this</p> <p>14 before the judge calls you back.</p> <p>15 But give me a call back in a</p> <p>16 few minutes if you would like to</p> <p>17 speak to the judge.</p> <p>18 MS. NORCROSS: Thank you.</p> <p>19 Off the record.</p> <p>20 (Discussion off the record)</p> <p>21 MS. NORCROSS: There is an</p> <p>22 Exhibit that was just marked as 22</p> <p>23 that should be marked as 23.</p> <p>24 Mark this as Defendant's</p> <p>25 Exhibit 24.</p>

Page 206

1 206
 2 (Whereupon the above referred
 3 to document was marked, Defendant's
 4 Exhibit 24, for identification, as of
 5 this date, by the reporter)
 6 Q Miss Mann, please look at what has
 7 been marked as Exhibit 24 to your deposition,
 8 consisting of four pages, with Bates stamp
 9 numbers 207 through -- excuse me, 297 through
 10 300. And I would like you to look over them and
 11 then tell me if you can identify those pages.
 12 A Yes, I can identify them.
 13 Q What are they?
 14 A They are a description of my incident
 15 report that I filed about the incident that
 16 happened on June 8 and June 9 of 2006.
 17 Q And this is the incident involving
 18 the exchange between you and Robert Schuller; is
 19 that right?
 20 A Yes.
 21 Q What I would like you to do is read
 22 through this description of the incidents and
 23 tell me if everything you wrote here is
 24 accurate.
 25 A Okay.

Page 207

2 207
 2 Q I have a question pending, but I
 3 think I will withdraw it.
 4 You prepared pages 298 through 300,
 5 correct? You wrote this?
 6 A Correct.
 7 Q And is it accurate?
 8 A It's not inclusive of everything that
 9 happened. I mean, I wrote this under duress. I
 10 wrote it to the best of my ability.
 11 Q Is there any statement in here that
 12 is not accurate?
 13 A Not to my knowledge. I would have to
 14 reread it again.
 15 Q Well, there are ways to do this. I
 16 can go through this entire incident, and it will
 17 take another hour; or I can ask you to read
 18 this, and you tell me if you were truthful when
 19 you wrote this.
 20 A Yes, I was truthful when I wrote
 21 it.
 22 Q Is what you wrote accurate?
 23 A Yes, this is accurate.
 24 But it does not portray, I did not
 25 put the -- I don't think I really described in

Page 208

1 208
 2 detail the physical threat that I felt, how
 3 Robert was coming at me during the incident.
 4 Q In fact, you did not say anything
 5 about physical threat at all in this memo,
 6 correct?
 7 A Well, it was.
 8 Q Just answer my question, please.
 9 A I know I said threatened, and I was
 10 scared for my safety.
 11 Q Is there anything in here that is not
 12 accurate?
 13 A From what I recall, this is what I
 14 put down.
 15 Q Is there anything in there that is
 16 not accurate?
 17 A It may not portray the whole story.
 18 Q Is there anything that is not
 19 accurate?
 20 A Not in my opinion.
 21 Q And you wrote this on the day of the
 22 incident, correct, June 9?
 23 A Yes.
 24 MS. NORCROSS: All right. I
 25 am going to stop at this point and

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1 209
 2 reserve my right to continue once
 3 counsel has had an opportunity to
 4 question you.
 5 I need to say for the record, there are serious
 6 problems with discovery coming from your end,
 7 which may mean you may have to come back,
 8 according to the judge's letter.
 9 EXAMINATION BY
 10 MR. DERSCHOWITZ:
 11 Q Good afternoon, Miss Mann. My name
 12 is Harold Derschowitz. I represent Trump and
 13 Mr. Henriques in this case. I am going to ask
 14 you some questions.
 15 I will try my best not to repeat some
 16 of the questions that have been asked. If I do,
 17 please accept my apology.
 18 If you don't understand my question,
 19 please tell me, and I will be happy to rephrase
 20 it for you.
 21 A All right.
 22 Q You testified earlier, when you were
 23 asked about the reason for terminating your
 24 employment with P.I.C. in 2006, the first reason
 25 you gave would be you had to come to New York to

53 (Pages 206 to 209)

Page 210

1 210
 2 give a deposition in this case.
 3 A Yes.
 4 Q You said there were other reasons.
 5 I would like to know what the other
 6 reasons were?
 7 A The thing is, I would not have
 8 resigned that early with P.I.C. I would have
 9 stayed with them longer.
 10 But the reason why I resigned, I gave
 11 my resignation on July 5th, was the primary
 12 reason to come back to New York so I could be
 13 here in person for a deposition.
 14 However, I would have continued to
 15 work at P.I.C. and then later, in August, I
 16 would have resigned to go to school.
 17 Q Right. You would have intended to
 18 leave P.I.C. in either way, whether for the
 19 deposition or whether for school?
 20 A In August.
 21 Q When in August would you have to
 22 leave there to get ready for school?
 23 A Initially I was planning on getting
 24 to Singapore late, like August 21.
 25 But then I got an e-mail from the

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211
 2 student services that they recommended that I
 3 come much earlier to give me time to find
 4 housing there.
 5 Q When did they suggest that you come
 6 down, or come up, whatever it may be?
 7 A I know they sent the e-mail in the
 8 summertime. I can check my e-mail and furnish
 9 that information.
 10 Q I am going to ask you to check your
 11 e-mails and produce any e-mails between you and
 12 the school regarding the program that you are in
 13 from the time you were accepted in it until the
 14 present, I guess.
 15 A Sure.
 16 Q Do you recall what date they told you
 17 you have to get there by?
 18 A They suggested I get there August 4.
 19 Orientation starts around August 25. I think
 20 that's a Monday. They told me I should get
 21 there August 4.
 22 Q In effect, you would have had to
 23 leave basically the same time, whether you were
 24 coming up here for the deposition or whether you
 25 were starting school, because you --

Page 212

212
 1 A I would assume so.
 2 I did not think I had to come back to
 3 New York then when I found out my whole schedule
 4 changed.
 5 Q We went over earlier a couple of your
 6 employers since the time that you left Plus One.
 7 A Yes.
 8 Q I am going to demand, on the record,
 9 all of the employers you mentioned during your
 10 testimony.
 11 A Okay.
 12 Q Have you received any records from
 13 Rita Buck, Ann Boris or Marcy Friedman regarding
 14 treatment?
 15 A No. When I was seeing them, no, they
 16 never gave anything to me directly.
 17 I was assuming they made notes and
 18 sent it to the insurance company. I assumed the
 19 files were there.
 20 Q Did you have an insurance company
 21 that was paying their bills at that time? Was
 22 it Medicare, Medicaid or something?
 23 A I believe I started seeing Miss Buck
 24 when I was employed at Plus One, and it was
 25

Page 213

213
 1 under the Plus One insurance.
 2 Then Dr. Boris and Marlene was
 3 Medicaid, so it was free health insurance,
 4 because I did not have enough income at the time
 5 I qualified.
 6 Q Have you paid any medical bills for
 7 either of the providers that we have mentioned
 8 so far?
 9 A From what I recall, like when I say
 10 Miss Buck, I had to pay a co-pay.
 11 Q And what about the others?
 12 A No, I don't recall ever paying them
 13 anything directly from my pocket.
 14 Q I want to start and go in
 15 chronological order, which of these medical
 16 providers you saw first, and then continue from
 17 when you first started seeing them, up until the
 18 present time, so I can get a full history of all
 19 of your medical treatment that's the subject of
 20 this lawsuit.
 21 Who did you see first, and when was
 22 it?
 23 A I first started seeing Rita Buck.
 24 Q Does she have a specialty? Is she a
 25

54 (Pages 210 to 213)

Page 214

1 214
 2 doctor or social worker, psychiatrist, or
 3 something else?
 4 A If I can recall correctly, she was a
 5 licensed clinical social worker.
 6 Q Were you referred to her by
 7 anybody?
 8 A No. I looked her up in the health
 9 insurance company website.
 10 Q Where was her office?
 11 A I saw her on 11th Street. It was a
 12 street in the Village.
 13 Q In Manhattan?
 14 A Yes, in Manhattan.
 15 Q When you first saw her, what were
 16 your complaints?
 17 A My complaints, just the emotional
 18 distress I was going through, based on my
 19 discrimination at Plus One.
 20 Q When was the first time you saw
 21 her?
 22 A From what I recall, late April. But
 23 it should be reflected in the health insurance
 24 records.
 25 Q I have no records. I have to go by

Page 215

2 215
 2 what you say, at this point.
 3 A Sure. From what I can recall, it
 4 must have been late April, maybe the third
 5 week.
 6 Q Was it after the incidents you
 7 described earlier with Mr. MacDonald taking
 8 place?
 9 A Yes.
 10 Q What, exactly, did you tell her was
 11 bothering you? What were your symptoms or your
 12 complaints?
 13 A Well, obviously it was very apparent
 14 I showed a lot of anger. I was depressed,
 15 frustrated. I felt powerless and just basically
 16 ill at ease.
 17 I had problems sleeping. I was very
 18 anxiety ridden. I was very jumpy, especially
 19 because I felt my job was on the line, getting
 20 fired.
 21 Yes, I was definitely not in the best
 22 of shape.
 23 And I had digestive issues, too, just
 24 a lot of stomach cramps. And then I was getting
 25 headaches.

Page 216

1 216
 2 Q Had you ever felt these symptoms at
 3 any time prior to your first visit to Miss
 4 Buck?
 5 A You mean -- well, I have experienced
 6 those emotions throughout my lifetime.
 7 Q When was the most recent?
 8 Well, did you ever receive treatment
 9 for these symptoms?
 10 A Yes. That's why I was going to Miss
 11 Buck and Marlene.
 12 And I was confiding a lot in my
 13 pastor at the time.
 14 Q You told me the first time you saw
 15 anyone about your situation at work was in late
 16 April, when you saw Miss Buck, correct?
 17 A Yes.
 18 Q You just gave me a list of physical
 19 complaints you mentioned to Miss Buck on your
 20 first visit.
 21 Had you ever been treated for those
 22 symptoms or complaints before that?
 23 A By a medical doctor?
 24 Q By anybody.
 25 A Yes, I have had headaches before,

Page 217

1 217
 2 where I have taken Tylenol, throughout my
 3 lifetime.
 4 Maybe in my early twenties, I went to
 5 the doctor and said, I have a stomachache, but I
 6 have never taken any medication. I always try
 7 to go the natural route.
 8 Q Is it fair to say you have not seen
 9 any medical providers or hospitals or doctors
 10 for any of the complaints made to Miss Buck at
 11 the end of April '06?
 12 A I was just relying on my peers in
 13 terms of telling me what herbal supplements to
 14 take.
 15 I went to nutritional school, as
 16 well.
 17 I believe in alternative health so I
 18 was doing my own research.
 19 Q What were you taking?
 20 A If I had headaches, I am trying to
 21 think what I was taking. I would take Ginger.
 22 I would take this thing like a colon
 23 collection. It would be a mixture of herbal
 24 supplements into one.
 25 Then also, for the headaches, there

55 (Pages 214 to 217)

Page 218

1 218
 2 is peppermint oil, and rub them on my temples.
 3 Q Had you experienced these headaches
 4 or stomach problems before April of '06, when
 5 you saw Miss Buck?
 6 A I had experienced those problems
 7 throughout my lifetime.
 8 Well, not consistent throughout my
 9 lifetime. It was not a chronic problem.
 10 Q Periodically?
 11 A Yes. Once in a blue moon, I would
 12 have a headache.
 13 I have never been hospitalized.
 14 Q What did Miss Buck do for you? I
 15 don't want to know what she told you. What did
 16 she do for you on your first visit?
 17 A From what I recall, on the first
 18 visit, a lot of it was intake. She was like,
 19 okay, why are you here?
 20 A lot of times she was asking
 21 information for clarification and trying to find
 22 out, why did I go and see her.
 23 Q Did she prescribe any medication to
 24 you or recommend that you see any other persons
 25 or doctors or therapists at that point?

Page 219

2 219
 2 A I don't recall if she did.
 3 I know if she recommended me to take
 4 medication, I would have flatly out denied it.
 5 Q I am just interested in what you
 6 recall.
 7 A Sure. Miss Buck did not; but I know
 8 Marlene did suggest, yes.
 9 Q To your knowledge, she did not
 10 recommend any medication.
 11 She did not refer you to anyone
 12 else?
 13 A No, because I had to stop seeing her
 14 because my insurance ran out.
 15 MR. DERSCHOWITZ: I move to
 16 strike the portion that's not
 17 responsive.
 18 Q Did she prescribe you any medication
 19 or refer you to anybody after your first
 20 visit?
 21 A No.
 22 Q How many times did you see Miss
 23 Buck?
 24 A An average of once a week. I think
 25 one time I saw her twice a week.

Page 220

1 220
 2 Q For how long a time period?
 3 A It had to coincide with when my
 4 insurance ended. I think it was the same week
 5 that I was no longer insured, health insurance,
 6 by Plus One; so I am thinking I ended seeing her
 7 by June 16, 2006.
 8 Q And how many times, in total, did you
 9 see her?
 10 A I am taking a guess, about 10.
 11 Q Did she do anything different for you
 12 on the other nine times you saw her than the
 13 first time you saw her? Did she just do intake,
 14 listen to what you were saying?
 15 MR. UMOH: Objection.
 16 Q You tell me.
 17 A Her strategy seemed consistent.
 18 I mean, she would ask me questions,
 19 and she would offer questions as to, like post
 20 different scenarios and try to get me to look at
 21 different things about myself.
 22 Q Do you have any pending appointments
 23 with her?
 24 A No, I don't have any.
 25 Q Who is the next person you saw after

Page 221

1 221
 2 Miss Buck?
 3 A I believe that was Marlene
 4 Friedman.
 5 Q And does she have a specialty?
 6 A I don't know her specialty.
 7 Q Is she a doctor?
 8 A I don't know if she is a
 9 psychiatrist. She could be a licensed clinical
 10 social worker.
 11 I don't know how they do it with the
 12 classifications of psychotherapist.
 13 Q Do you know if she has an M.D. after
 14 her name?
 15 A That's a good question. I don't
 16 know.
 17 Q Did anyone refer you to her?
 18 A No.
 19 Q How did you find her?
 20 A Through health insurance on the
 21 website.
 22 Q When was the first time you saw
 23 her?
 24 A I don't recall the first day or time.
 25 But I know when I did see her, it was warm

56 (Pages 218 to 221)

Page 222

1 222
2 weather.
3 Q Do you know if it was 2006 or 2007?
4 Do you know what year it was?
5 A It was like whatever year that I got
6 the free health insurance.
7 I can get back to you on that. I
8 don't know the day I started getting free health
9 insurance.
10 Q Was she the next person you saw after
11 you stopped seeing Miss Buck?
12 A Yes.
13 Q Do you recall if you saw Marlene a
14 year later or --
15 A I think it was sometime in 2007. I
16 am not positive.
17 Q Do you have any records of Marlene
18 Friedman in your possession?
19 A No, not currently any records.
20 Q I mean, did anything go back and
21 forth with you in terms of correspondence or
22 e-mails or anything like that?
23 A No.
24 Q When you first saw Marlene Friedman,
25 what were your complaints?

Page 223

223
2 I still had a lot of unresolved anger
3 issues. I just felt like I had been -- I was
4 frustrated, how I had been terminated from a job
5 which I felt was based on discriminating against
6 me, and retaliation because I brought up
7 discrimination, and the frustration of finding a
8 job, even though I had skills, and not being
9 able to work as a massage therapist.
10 Q You had not seen anyone for a year,
11 since the last time, right?
12 A I was confiding in my pastor.
13 Q On your first visit to Marlene
14 Friedman, what did she do for you? Not what did
15 she tell you, but what did she do for you?
16 A You mean --
17 Q Did she conduct any tests? Did she
18 examine you? Did she take X-rays, CAT scan,
19 blood work?
20 A She just asked questions.
21 Q Did she prescribe any medication or
22 course of treatment or refer you to anybody else
23 on that first visit?
24 A The first time, no.
25 Q Did you see Marlene Friedman more

Page 224

224
1 than once?
2 A Yes, I did.
3 Q How many times did you see her, in
4 total?
5 A I am taking a guess, like maybe four.
6 It could be four, five.
7 Q When was the last visit out of the
8 four?
9 A I don't remember what day or month
10 that was.
11 Q Do you remember what year?
12 A I am taking a guess. If I had the
13 free health insurance in 2007, then it was in
14 2007.
15 Q Do you know if it was the beginning,
16 the middle, the end of the year? Can you narrow
17 it down at all, if possible?
18 A I am assuming -- I remember that I
19 did not have a coat, so it had to be warm. I am
20 assuming the summer.
21 Q Would it be fair to say, all your
22 visits to Marlene Friedman were in the summer of
23 2007?
24 A I would say so.
25

Page 225

225
1 Q What did she do for you on your other
2 visits? Not what did she tell you, but what did
3 she do for you?
4 A Ask me questions. And she would give
5 me an analysis of where I was at.
6 Q Did she examine you in any way, or
7 run any tests?
8 A No.
9 Q Did she prescribe any medication?
10 A I don't think she was able to
11 prescribe, so the answer is no.
12 But she did recommend -- she posed
13 the possibility. She said, why don't you
14 consider medication.
15 Q But she did not mention a particular
16 type, or she was not able to write you out a
17 prescription?
18 A We never got that far, so I don't
19 know if she is able to write out a prescription.
20 Q Did she refer you to any other
21 specialists?
22 A Yes, she did.
23 Q Who did she refer you to?
24 A She referred me to St. Luke's
25

57 (Pages 222 to 225)

Page 226

1 226
 2 Hospital, where Dr. Boris, the third person I
 3 saw, was employed.
 4 Q Did she refer you to that particular
 5 doctor, or just to the hospital?
 6 A I could say definitely the hospital.
 7 I don't recall if it was the specific doctor.
 8 Q Did there come a time when you saw
 9 Dr. Boris at St. Luke's Hospital?
 10 A Yes.
 11 Q when was that?
 12 A It could have been weeks after I saw
 13 Marlene Friedman, because Marlene Friedman had
 14 recommended a couple of people, but everybody
 15 else was booked up, and it took me a while to
 16 actually -- for an appointment to open up, and I
 17 could see Dr. Boris. So I am thinking a couple
 18 of weeks after I finished seeing Marlene
 19 Friedman.
 20 Q Would that have been late summer or
 21 early fall of 2007?
 22 A I would say late summer.
 23 Q Does Dr. Boris have a specialty?
 24 A If she does, I don't remember it.
 25 Q When you first saw Dr. Boris, what

Page 227

227
 2 were your complaints?
 3 A The similar issues that I spoke with
 4 Miss Buck and Marlene Friedman, the same
 5 issues.
 6 Q There were no changes in your
 7 symptoms from the first time you saw Dr. Buck in
 8 April of 2006 until the time you were seeing
 9 Dr. Boris in 2007?
 10 A It did shift. It became more of a
 11 nervous condition and anxiety, because I did not
 12 have a job at the time.
 13 That was really the forefront, the
 14 nerves and my heart murmur and all this other
 15 stuff.
 16 Q Did someone tell you you had a heart
 17 murmur?
 18 A Yes.
 19 Q Who told you that?
 20 A A doctor at one point -- I don't
 21 remember which doctor, but I know I do have a
 22 heart murmur. I don't recall which doctor told
 23 me this.
 24 Q When were you told this?
 25 A I don't remember.

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228
 1 Q Well, was it before you started
 2 working at the Trump facility Plus One?
 3 A Yes.
 4 Q What did Dr. Boris do for you on your
 5 first visit? I don't want to know what she told
 6 you, I just want to know what she did for you.
 7 A Asked questions, and we filled out an
 8 intake form.
 9 Q Did she conduct any tests or
 10 prescribe any medication or examine you in any
 11 way?
 12 A She did not prescribe any medication,
 13 but there was some type of test, but I don't
 14 know what it was. I know it was more inclusive
 15 than what Miss Buck and Marlene had done in the
 16 past. I don't remember what she did, though.
 17 Q Do you know if it was a diagnostic
 18 test?
 19 A Yes, diagnostic, yes.
 20 Q If I leave a blank in the transcript,
 21 do you have any records that would reflect what
 22 type of test you underwent with Dr. Boris?
 23 A No. I don't have any records.
 24 Q How many times did you see

Page 229

229
 1 Dr. Boris?
 2 A I don't recall, but I am thinking at
 3 least three or more.
 4 Q When was the last time you saw
 5 Dr. Boris?
 6 A I am assuming it was around late
 7 August of 2007.
 8 Q What did Dr. Boris do for you on all
 9 of the other visits that you went to see her?
 10 Not what did she tell you, but what did she do
 11 for you on those other visits?
 12 A She just asked questions and added
 13 commentary.
 14 I did not see her individually. It
 15 was in a group setting.
 16 Q So these were not individual
 17 appointments.
 18 Was it part of a therapy group?
 19 A It was part of a therapy group,
 20 because she said that was the only thing
 21 available. She was booked up with the
 22 individual sessions. That was all she could
 23 give me.
 24 Q Did the therapy group have a name, or

58 (Pages 226 to 229)

Page 230

1 230
 2 is it referred to as something?
 3 A Not that I recall. It was her
 4 patients.
 5 Q Do you know what the nature of the
 6 therapy was, whether it was anger management, or
 7 stress, or anything else in particular?
 8 A I don't know if it was anything in
 9 particular. I know everyone had different
 10 issues that were discussed.
 11 Q Everybody basically got up and spoke
 12 at these meetings?
 13 A Yes.
 14 Q Now did you also see a Crystal
 15 Huggins?
 16 A Yes, I did.
 17 Q When did you first see Crystal
 18 Huggins?
 19 A Pertaining to the Trump incident?
 20 Q No, pertaining to your present
 21 lawsuit and your claim of personal and mental
 22 injuries as a result of this.
 23 A I distinctly remember talking to her
 24 right around the time -- yes, it was right
 25 around the time I got terminated from Plus

Page 231

231
 2 One.
 3 Q That would be in June of '06?
 4 A Yes, June of '06.
 5 Q When you say you spoke to her, was
 6 this on the phone, or you saw her in person?
 7 A It was on the phone. I remember it
 8 was summer. I remember it was over the phone.
 9 Q Does Crystal Huggins have a
 10 specialty? Do you know if she is a doctor,
 11 something else?
 12 A She is a reverend.
 13 Q Is she the pastor you were talking
 14 about previously?
 15 A Yes.
 16 Q What did you tell her the first time
 17 you spoke to her on the phone?
 18 A Concerning this matter?
 19 If I recall correctly, I think I was
 20 crying, just sort of being frustrated.
 21 Q Was she a pastor at the church you
 22 went to, or did you know her from somewhere
 23 else?
 24 A I knew her from somewhere else.
 25 Q From where did you know her?

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232
 1 A I met her at a -- I believe it was, I
 2 attended one of her work shops. I took some
 3 classes. She teaches about spiritual issues.
 4 She taught holistic healing information and just
 5 techniques on how to better your life.
 6 Q After you first spoke to her on the
 7 phone in June of 2006, did you actually schedule
 8 an appointment to see her?
 9 A After I spoke with her the first
 10 time, it was not like an appointment every week.
 11 It was basically when I had a breakdown, she
 12 would be the first person I would call.
 13 Q You would talk to her if you had any
 14 complaints about anything in particular?
 15 A Yes.
 16 Q How often would you call her?
 17 A When I was really stressed, I would
 18 call her several times like each week.
 19 It would really depend on my
 20 emotional state. If I was feeling stressful and
 21 down and out and emotional, I would call her
 22 during the week. And then I would get a handle,
 23 and then I would just call once a week.
 24 Sometimes I can remember calling
 25

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233
 1 three times in one week, not being able to
 2 necessarily reach her, but placing the calls.
 3 Q For how long a period of time did you
 4 call her at least once a week?
 5 A Actually until today.
 6 Q So you are still calling her once a
 7 week, at least once a week?
 8 A Actually I have been calling her,
 9 trying to reach her more frequently, because I
 10 have been nervous about getting here for the
 11 deposition, back to New York.
 12 Q It is your testimony you have been
 13 calling her from June of '06 until your
 14 termination from Plus One.
 15 Were there times you called her that
 16 involved other issues?
 17 A There were times when I mentioned
 18 other things. Some stemmed from Plus One.
 19 Others did not.
 20 There were times I called just asking
 21 for information, just what do you recommend on
 22 relaxation techniques. I do yoga.
 23 Eventually I got to the point, I
 24 tried to focus more on healing rather than being
 25

59 (Pages 230 to 233)

Page 234

1 234
2 in a state of frustration and despair and
3 sadness. I think I am getting a handle on it.

4 Q Other than Miss Buck, Marlene
5 Friedman, Dr. Boris and Crystal Huggins, have
6 you seen any social workers, psychiatrists,
7 medical providers, therapy groups, or anything
8 else relating to this incident?

9 A No.

10 Q Miss Mann, I am going to show you a
11 photograph and ask you if you have ever seen
12 this before.

13 A Yes, I have. I have seen the photo
14 before.

15 MR. UMOH: Can we mark it,
16 please?

17 MR. DERSCHOWITZ: Yes. I
18 wanted to see if she first recognized
19 this.

20 Mark this photo as Defendant's
21 Exhibit 25.

22 (Whereupon the above referred
23 to document was marked, Defendant's
24 Exhibit 25, for identification, as of
25 this date, by the reporter)

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235

2 Q Miss Mann, I am going to show you
3 what has been marked as Defendant's Exhibit 25.

4 Can you tell me if you recall when
5 that was taken?

6 A I know I gave the day -- I know the
7 approximate day it was taken. I e-mailed my
8 lawyer. I know it was taken around my birthday
9 in October, but I have to look in my e-mail to
10 tell you which year.

11 I know it was during my employment at
12 Plus One, but it was before I worked at Trump
13 Tower.

14 MR. DERSCHOWITZ: I am going
15 to leave a blank in the transcript.
16 If you can find a copy of the e-mail,
17 will you provide that information,
18 and so we know when this photo was
19 taken?

20 THE WITNESS: Okay.

21 MR. UMOH: Objection.

22 MR. DERSCHOWITZ: We were not
23 given the exact time --

24 MR. UMOH: I am objecting.
25 She is unsure as to the year.

Page 236

236

1
2 MR. DERSCHOWITZ: She said she
3 definitely sent her attorney it in
4 the month it was taken.

5 Q Anyway please provide us what year
6 this was.

7 A Yes.

8 Q Miss Mann, can you tell me if your
9 appearance in this photograph accurately
10 reflects the appearance of your hairstyle as it
11 existed in April of 2006?

12 A It's similar, yes.

13 Q Do you know if your hair was longer
14 or shorter or anything else?

15 A Well, it's hard to say in this photo,
16 because there is a shadow. I can see on the
17 right side of the photo, there is a shadow
18 behind, so it puts an extra appearance that
19 makes my Afro look bigger. I can't tell whether
20 or not that's the exact height.

21 Q The same question, but for May of
22 2006. Would your answer be the same? I asked
23 you about April of '06.

24 A Similar hairstyle. I can't confirm
25 the length, though.

Page 237

237

1
2 In terms of hairstyle, yes, that's
3 how I was wearing my hair.

4 Q But the length, you can't say whether
5 it was longer or shorter or the same?

6 A Yes, because how the photo is.

7 Sometimes when I take photos with my
8 hair, the reflection of the flash, it makes it
9 look bigger than what it is.

10 Q Let me ask you this: From the time
11 the photo was taken, is it fair to say you have
12 had your hair cut until April of 2006, or no?

13 A I don't know. I don't know if I went
14 to a professional.

15 I have done things to my hair, yes.

16 Q I am just asking about the length,
17 that's all, whether you shortened it at any time
18 from when the photo was taken through April of
19 '06.

20 A I don't recall getting an extreme
21 haircut, no.

22 Q I don't know what extreme is.

23 I am just asking you if you had it
24 cut at any time between the photo and April of
25 '06.

60 (Pages 234 to 237)

Page 238

1 238
 2 A I don't remember getting it cut.
 3 Q I am going to show you a document
 4 that's been marked as Defendant's Exhibit 24. I
 5 am going to refer you to page 2 of the document.
 6 I am going to ask you to read the fourth
 7 paragraph, under June 8, 2006.
 8 A It reads as, later at home --
 9 Q No, you don't have to read it out
 10 loud.
 11 A Sorry.
 12 Yes, I have read it.
 13 Q Can you tell me what you meant when
 14 you said, continued harassment and
 15 discrimination from Trump management?
 16 A Like being singled out, where it just
 17 puzzled me how my other co-workers would come
 18 in, like violating policy.
 19 And that had been the case since I
 20 was employed at Trump. And they had never
 21 changed their, like wearing the hair gel and
 22 wearing overly large earrings.
 23 Then also, it was really weird.
 24 Independent of Trump, I was talking with another
 25 department in Plus One. They were helping me

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1 239
 2 with my application for my massage license.
 3 A week before, they mysteriously
 4 asked me, well, we want to know whether or not
 5 you are going to sue Plus One, because they are
 6 having reservations about going through with my
 7 license.
 8 MR. DERSCHOWITZ: Move to
 9 strike the whole answer as not
 10 responsive.
 11 Q You're writing in this paragraph,
 12 continued harassment and discrimination from
 13 Trump management.
 14 My question to you is, what is that
 15 based upon?
 16 A It's based upon Jamie MacDonald's
 17 comments that it was Trump One who said they
 18 disapproved of my hair.
 19 Q My question is, that's somebody else
 20 telling you something.
 21 Did you personally experience any
 22 harassment or discrimination from anyone at
 23 Trump management while you were at Plus One?
 24 A I should have been more specific and
 25 said that Jamie, acting on Trump management's

Page 240

1 240
 2 behalf.
 3 MR. DERSCHOWITZ: I move to
 4 strike the portion that's not
 5 responsive.
 6 Q Miss Mann, you never experienced any
 7 harassment or discrimination from any Trump
 8 management employee while you were at Plus One,
 9 did you?
 10 MR. UMOH: Objection.
 11 A When I wrote it, it was written with
 12 the assumption that whoever was carrying out
 13 those duties for Trump. There were times when
 14 Jamie said he is responsible for carrying out
 15 Trump management.
 16 In semantics, I should have said,
 17 instead of management, the policy.
 18 Q When did you start working for Plus
 19 One Fitness?
 20 A August of 2002.
 21 Q When you were hired by Plus One
 22 Fitness in August of '02, did you have sign any
 23 employment contractor agreement?
 24 A I don't recall, but I know I signed
 25 the application. I know you certify. I know I

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1 241
 2 signed something. I don't recall what it was,
 3 specifically what it said.
 4 Q Do you know if you were an at-will
 5 employee of Plus One Fitness?
 6 A Well, I assume at-will is applicable
 7 for employees of New York State.
 8 Q I am just asking if that was your
 9 understanding.
 10 A I never really thought about it that
 11 way, but I did know in 2006.
 12 Q Miss Mann, I am going to show you
 13 what has been marked as Defendant's Exhibit 16.
 14 A Sure.
 15 Q And I draw your attention to page 2
 16 and ask you to read the paragraph that begins
 17 with, I certify that the facts contained.
 18 A Okay, I see it.
 19 Q Does that refresh your recollection
 20 as to whether you were an at-will employee at
 21 Plus One Fitness when you were hired by them?
 22 MR. UMOH: Objection.
 23 A Looking at it, definitely, I was
 24 informed.
 25 Q And you signed that agreement,

61 (Pages 238 to 241)

Page 242

1 242
 2 correct?
 3 A Yes.
 4 Q And you read it before you signed
 5 it?
 6 A I am assuming I did.
 7 Q Okay.
 8 Were you given any papers or
 9 documents when you were first hired by Plus One,
 10 describing the terms of your employment?
 11 A Like specific responsibilities and
 12 duties?
 13 Q Maybe guidelines or policies of the
 14 company, or any type of manual to welcome you?
 15 A To be honest with you, it's such a
 16 long time ago. I don't know if I got like a
 17 pamphlet or something.
 18 But I know there was an orientation
 19 that I went to, like a meeting.
 20 MR. DERSCHOWITZ: Mark this as
 21 Defendant's Exhibit 26.
 22 (Whereupon the above referred
 23 to document was marked, Defendant's
 24 Exhibit 26, for identification, as of
 25 this date, by the reporter)

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1 243
 2 Q Miss Mann, I am going to show you a
 3 document that's been labeled Defendant's
 4 Exhibit 26, and ask you if you recognize that.
 5 A It looks like it is an employee
 6 handbook.
 7 Q Were you ever given this document
 8 once you started employment with Plus One?
 9 A There is a possibility I could have
 10 gotten it when I started at Trump, but I don't
 11 recall getting it when they hired me as a
 12 massage therapist.
 13 Q Do you recall having seen this
 14 document during your employment at Plus One at
 15 any time?
 16 A I can't confirm.
 17 I may have seen it in 2006 when I
 18 started Trump.
 19 Q That still counts.
 20 A Okay.
 21 Q At some point in time, at the latest,
 22 when you started work at the Trump facility, you
 23 were shown a copy of this document?
 24 A Page 124 is missing.
 25 Usually Plus One has their logo

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1 244
 2 everywhere. I don't know if I actually saw this
 3 particular handbook.
 4 Q When did you start work at Plus One
 5 at 845 United Nations Plaza?
 6 A I don't remember the exact date. I
 7 don't know whether it was the end of February or
 8 March, because I had been interviewing in
 9 February, so I don't know when the actual hire
 10 date for this position commenced. I don't
 11 remember, so it had to have been late February,
 12 early March.
 13 Q What was your job title when you
 14 started there?
 15 A The title there was receptionist.
 16 Q That was receptionist at the health
 17 club, right?
 18 A Yes.
 19 Q Did your job title change during the
 20 time you worked at 845 U.N. Plaza, Plus One?
 21 A No.
 22 Q Who was your employer when you worked
 23 at 845 U.N. Plaza from the end of March until
 24 June?
 25 MR. UMOH: Objection.

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1 245
 2 A This is where I am a little bit
 3 unclear, because I thought that Plus One hired
 4 me to work for Trump Towers, and they were just
 5 managing the facility.
 6 Q Did someone ever tell you that?
 7 A I remember having a conversation,
 8 that Plus One managed the facilities for Trump
 9 Towers.
 10 Q Were you under the impression that
 11 you were an employee of the Trump World
 12 Organization?
 13 MS. NORCROSS: I object.
 14 A Well --
 15 Q Did anyone ever tell you you were
 16 employed by anybody other than Plus One during
 17 the time period of March to June 2006?
 18 A No.
 19 Q Did you receive paychecks during the
 20 time period from March to June of 2006?
 21 A Yes, I did receive paychecks.
 22 Q Whose name was on the paychecks?
 23 A Plus One Fitness.
 24 Q Did you receive a W-2 for the time
 25 you worked from March to June of 2006, that time

62 (Pages 242 to 245)

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1 246
2 period?
3 A Yes, I did.
4 Q Who was listed as your employer?
5 A Plus One.
6 Q Who were your supervisors when you
7 worked for Plus One at 845 U.N. Plaza?
8 A Immediate supervisors?
9 Q Anyone who was your supervisor.
10 A John Henriques, Tom Nizszak, Mike
11 Murray, Jamie MacDonald, Christian Garcia.
12 Q Now in what way did the persons you
13 mentioned supervise you? Did they all give you
14 daily work assignments?
15 A In certain instances, they would give
16 me directives, and I would have to do stuff and
17 perform duties and give feedback about my
18 accomplished tasks.
19 Q Did all the persons you mentioned,
20 were they all employed by Plus One Fitness?
21 A No.
22 Q Plus One Fitness was your employer,
23 correct?
24 MR. UMOH: Objection.
25 A Yes.

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2 Q Who was not employed by Plus One
3 Fitness, of the persons you mentioned?
4 A I believe John Henriques.
5 Q When you say he was your supervisor,
6 did you meet with him on a daily basis to go
7 over your job assignments?
8 A No, not on a daily basis.
9 Q Did you ever meet with him to discuss
10 your job assignments?
11 A He was not like meeting. He would
12 come down when --
13 MR. DERSCHOWITZ: Move to
14 strike the unresponsive portion.
15 Q Just yes or no, did you ever meet
16 with him to discuss your your job assignments?
17 A It would depend what day I saw him.
18 Q How often did you meet with John
19 Henriques?
20 A It was probably a few times when I
21 was there when other supervisors were not
22 present. He would give me a directive of
23 manning the pool and doing whatever when Tom was
24 not present.
25 Q How many times would he give you

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2 directives, from the time you started working
3 there at the Trump facility until the time you
4 were terminated?
5 A I can remember about two.
6 Basically, we had to listen to
7 everything that he said and take immediate
8 action when there was a problem.
9 Q He told you that on those two
10 occasions?
11 A John did not tell me that.
12 Tom Nizszak directed me to follow
13 his directive. I guess Tom said he had to meet
14 and report to John.
15 Q You said earlier, he gave you
16 directives on two occasions during the time you
17 worked at the Trump facility.
18 A It was a continual problem, about the
19 pool being unmanned.
20 Q So on those two occasions, was that
21 what he spoke to you about?
22 A I believe so.
23 Q Did he call you into his office to
24 meet with you, or did he happen to just be down
25 in that area and say, do something?

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249
2 A He would come down.
3 Q Other than those two occasions, did
4 you ever meet with Mr. Henriques?
5 A No.
6 Q Did you ever meet with anyone from
7 the board of managers of the Trump World Towers
8 condominium?
9 A If I can recall correctly, they would
10 come to the front desk and vocalize their
11 displeasure on certain things.
12 Q Did they meet with you to discuss
13 your work assignments?
14 A No, not work assignments.
15 Q Did you ever receive any reviews or
16 work evaluations while you worked for Plus One
17 at the Trump facility?
18 A Not to my knowledge.
19 Q Did John Henriques ever speak to you
20 about your physical appearance from the time you
21 started working at the Trump facility until the
22 day of your termination?
23 A He did not speak to me directly.
24 Q Did anyone ever tell you that John
25 Henriques had commented about your personal

63 (Pages 246 to 249)

Page 250

1 250
 2 appearance, from the time you first started
 3 working at the Trump facility until the day of
 4 your termination?
 5 A Yes.
 6 Q Tell me who told you and when they
 7 told you.
 8 A It was Jamie MacDonald who told me
 9 this.
 10 Q What did he tell you?
 11 A I know he mentioned this in the
 12 meeting that I had with Tom regarding the Trump
 13 grooming policy. That's when he brought it
 14 up.
 15 Q That was the meeting in early April
 16 '06?
 17 A Correct.
 18 Q And what did he say? What did Jamie
 19 tell you that John said?
 20 A In the meeting, I don't know if he
 21 specifically said John Henriques, but I know he
 22 said Trump management disapproved of my hair.
 23 Q But he did not attribute it to any
 24 particular person. He just said Trump
 25 management disapproves of your hair?

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1 251
 2 MR. UMOH: Objection.
 3 Q You can answer.
 4 A He did not communicate that
 5 verbally.
 6 Q So he did not mention anyone
 7 specifically by name. He just said Trump
 8 management disapproves of your hair?
 9 A From what I recall from the
 10 meeting.
 11 Q Okay. Did you ever send any written
 12 correspondence to, or receive any correspondence
 13 from, either John Henriques or the board of
 14 managers at Trump World Towers condominium
 15 regarding your job performance or appearance?
 16 A No, I did not.
 17 Q Were you ever told by any Plus One
 18 employees that you have to conform with any
 19 grooming requirements which they told you were
 20 promulgated by Trump?
 21 A Yes, I did.
 22 Q When was the first time you were told
 23 this?
 24 A I don't know if Jamie said this, like
 25 on April 5, with the first incident about him

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1 252
 2 saying my hair was not normal.
 3 But I know definitely, when I met
 4 with him and Tom, that's when he told me about
 5 the compliance with the Trump hair grooming
 6 policy.
 7 Q When was the first time you had ever
 8 seen any type of grooming requirements which
 9 Plus One attributed to Trump?
 10 MR. UMOH: Objection.
 11 A It was after of the first incidents
 12 with Jamie MacDonald, so it was after April 5.
 13 Q Did someone present you with these
 14 requirements, in written form or otherwise?
 15 A Yes.
 16 Q And who presented them to you?
 17 A Jamie MacDonald.
 18 Q I am going to show you Defendant's
 19 Exhibit 1, and I am going to ask you if these
 20 are the documents, the grooming requirements
 21 that you just referred to that was presented to
 22 you by Jamie MacDonald.
 23 A Yes, it looks like what Jamie
 24 MacDonald did give me, yes.
 25 Q Can you tell me if that document has

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1 253
 2 any particular letterhead or stationery
 3 reflecting who it was prepared by?
 4 Is the symbol you're pointing to,
 5 Plus One?
 6 A Yes, it's Plus One.
 7 Even though it has the same -- I
 8 don't remember ever seeing the Plus One logo on
 9 the initial one that I saw, and it looked like
 10 the title was different.
 11 I don't remember that being the
 12 title. I don't remember seeing the Plus One
 13 logo. It seems like someone added that on.
 14 I thought I submitted this to the
 15 E.E.O.C.
 16 Q I am asking you, is this the document
 17 that Jamie MacDonald showed to you after your
 18 meeting with him and Tom in April of '06?
 19 A I don't believe it's the exact same
 20 document. I don't believe it's the exact same
 21 copy.
 22 Q Do you know how that copy that's in
 23 front of you would have differed from the one
 24 that you were shown?
 25 A No. I don't know who furnished

64 (Pages 250 to 253)

Page 254

1 254
2 this.
3 Q Can you read it for content and tell
4 me, apart from the letterhead and title, do you
5 recall if the content is the same?
6 A For the most part.
7 I am not reading through everything,
8 but when I look at it, yes, the content, no
9 deadlocks -- yes, the content is pretty much
10 across the board.
11 Yes, the content is the same.
12 Q Can you tell from this document who
13 prepared it?
14 A No.
15 Q Is there anything on this document
16 that would lead you to believe that this came
17 directly from Trump, other than the fact that
18 someone wrote Trump's name at the top of it?
19 A Yes. I was taking them at face
20 value.
21 Q If they say that was Trump's grooming
22 requirements, you would assume that --
23 A It was the grooming requirements,
24 yes.
25 Q Now did you file a claim with the

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1 255
2 Equal Employment Opportunity Commission?
3 A Yes, I did.
4 Q I am going to show you what has been
5 marked as Defendant's Exhibit 5 and ask you to
6 read the first paragraph on page 4.
7 A Yes, I have read it.
8 Q Was this document prepared by you?
9 A Yes.
10 Q And it's your handwriting on it?
11 A Yes.
12 Q And do you state on the document, my
13 new regional manager said my hair was
14 inappropriate and it does not comply with Plus
15 One standards?
16 A That's what I wrote.
17 Q Did you write on there that it did
18 not comply with anyone else's standards?
19 A Not on the document.
20 Q Who was the new regional manager you
21 were talking about, in this document marked
22 Defendant's Exhibit 5?
23 A Jamie MacDonald.
24 Q Miss Mann, I am going to show you
25 what has been marked as Exhibit 26 and ask you

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1 256
2 if you could turn to page 15 of that document.
3 It's Bates stamped page 32. It begins with the
4 letter H at the top.
5 A Yes.
6 Q I am going to refer you to section K
7 on that page and ask you if you have ever seen
8 that document or that provision during the time
9 you worked at the Trump facility for Plus One.
10 A I don't remember ever reading this or
11 seeing it.
12 Q Did anyone from Plus One ever provide
13 you with this document at any time while you
14 were working at the Trump facility, or prior to
15 that time?
16 A I am thinking, if I met with Heather
17 Davis, then I guess I would have received it
18 from Heather Davis.
19 I don't remember whether I actually
20 had an orientation. I think that would have
21 been the only time I would have been given --
22 Q When would that have been in terms of
23 date and time? Would that have been April or
24 March of '06?
25 A Yes, roughly on or about, yes.

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1 257
2 Q Besides what is in the document,
3 section K, did anyone from Plus One ever
4 verbally instruct you as to the provisions that
5 are set forth in section K?
6 A No, not to my knowledge.
7 Q Were you familiar with the provisions
8 sets forth in section K during the time you
9 worked at the Trump facility for Plus One?
10 A No, I was not.
11 Q Did anyone at Plus One ever instruct
12 you what you should do if you had words with a
13 tenant or a resident at the building?
14 A No.
15 Q Did anyone ever tell you that you
16 should seek out another employee or a supervisor
17 from Plus One in the event you were encountering
18 difficulty with a tenant or residents at the
19 Trump facility?
20 A No one ever told me that specifically
21 in those words.
22 Q On June 9, 2006, were you involved in
23 an incident with a tenant or resident of the
24 building at 845 U.N. Plaza?
25 A Yes, I was.

65 (Pages 254 to 257)

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1 258
 2 Q When did you first see that tenant or
 3 resident on June 9 of '06?
 4 A Early in the morning.
 5 I know I wrote it down in one of the
 6 statements. I know it was in the morning, like
 7 around 6:30 a.m.
 8 Q And did you initiate a conversation
 9 with that tenant or resident at that time?
 10 A Did I initiate a conversation? No.
 11 I was following what --
 12 Q Ma'am, I am just asking if you
 13 initiated a conversation.
 14 MR. UMOH: Objection.
 15 A It was not a conversation. I was
 16 doing my task that I was told to do every time
 17 when someone walks off the elevator.
 18 Q When you saw this particular tenant
 19 or resident, you initiated a conversation,
 20 correct?
 21 MR. UMOH: Objection.
 22 Q Did you talk first? That's all I
 23 want to know.
 24 A When you say initiated a
 25 conversation --

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2 259
 3 Q You're just interpreting what I am
 4 saying.
 5 Did you talk first to him, or did he
 6 talk first to you?
 7 A I spoke first.
 8 Q What do you recall saying?
 9 A Good morning.
 10 Q Did the tenant or resident inform you
 11 that he did not want to talk to you?
 12 A Yes. That's when he started to
 13 become hostile.
 14 Q But he said to you, I don't want to
 15 talk to you, correct?
 16 MR. UMOH: Objection.
 17 A Correct.
 18 Q And it was at that time that you
 19 called the police?
 20 A No.
 21 Q How much time went by?
 22 A I don't know exactly how much time.
 23 But there were a series of incidents
 24 where he would be coming back and forth, lunging
 25 over the table and pointing in my face.
 It got to the point where my

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1 260
 2 co-worker said look, go inside the office, don't
 3 come out. Call the police.
 4 Q And this is on June 9?
 5 A June 9, on a Friday.
 6 Q I am going to show you the document
 7 that's been marked as Defendant's Exhibit 24.
 8 And I am going to show you your statement of the
 9 incident of June 9, and I am going to ask you
 10 why the information you just gave us is not
 11 contained in here.
 12 A I am assuming, when I look at this,
 13 sometimes like when I write, it's automatically
 14 assuming. Sometimes it's when you're repeating
 15 stuff and putting it on, you don't say
 16 everything that happened. It relatively
 17 happened so fast.
 18 Basically, I wrote it the same time
 19 that I was emotionally distraught. I stayed to
 20 type this up.
 21 One of my driving factors was to
 22 hurry up and sort of be out of Robert's
 23 presence.
 24 Q Is it correct to say, the version you
 25 just gave now is not the version that's on the

Page 261

1 261
 2 June 9 statement that we previously marked as
 3 Defendant's Exhibit 24?
 4 MR. UMOH: Objection.
 5 A I would say incorrect.
 6 What I stated there is the truth. I
 7 did not put everything that happened on the
 8 piece of paper which is reflected in the Police
 9 Report that was filed.
 10 Q Is there anything on this document
 11 where you provided a statement of the June 9
 12 incident that says that the tenant physically
 13 threatened you?
 14 A In here, it does not specifically say
 15 that. But to me, it's assumed.
 16 Q Ma'am, I am just asking if it says
 17 it.
 18 A It does not say it specifically,
 19 yes.
 20 Q Did anyone at Plus One ever tell you
 21 that calling the police on a resident was a
 22 viable option as part of your job?
 23 A That was never discussed.
 24 Q What is the basis of your claim that
 25 John Henriques intentionally or arbitrarily

66 (Pages 258 to 261)

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procured the breach of your contract of employment with Plus One?

MR. UMOH: Objection.

A According to Jamie MacDonald, Jamie was saying it was John Henriques who said that my hair was not acceptable at Trump.

Q But when did he say that this took place?

A It had to have been after the first incident. It was like during the meeting.

Q You are talking about in April?

A Yes, the meeting with Tom Nizszczak and Jamie and I.

Q Ma'am, you were terminated in June of 2006, correct?

A Correct.

Q Did anyone ever tell you that John Henriques had you terminated from employment arbitrarily?

MR. UMOH: Objection.

Q Because that's your claim in your lawsuit. You have claimed that, and I want to know what the basis of that claim is.

A Well, the basis is, it all started

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with Jamie MacDonald. He was saying my job is in jeopardy because of my hair, because of the Trump grooming standards.

Q Ma'am, you did receive an e-mail from the president of the company saying that your hair was acceptable in May of 2006; isn't that correct?

MR. UMOH: Objection.

A It's correct.

But they continued to discriminate against me.

Q When you say "they," I am asking you about Mr. Henriques.

How did Mr. Henriques discriminate against you?

A I did not have any direct communication with John Henriques about my hair.

Q So as we sit here today, you don't have any basis for claiming that Mr. Henriques discriminated against you because of your hair, do you?

MR. UMOH: Objection.

A Only on the basis Jamie MacDonald's

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264

statements.

Q What about the board of managers of Trump World Towers condominium? What is the basis of your claim that they discriminated against you?

MR. UMOH: Objection.

A It's based on the grooming standard that they created, according to Jamie MacDonald.

Q Is it your claim that the grooming standard which was on Plus One's stationery and mentions the name Trump, that that grooming standard discriminated against you?

A It was how they were implying it, Jamie saying he was acting on behalf of John's directive

Q Did you ever speak to John about that?

A I never spoke directly to John about my hair.

Q Did you ever receive any written correspondence or memos or e-mails or anything from John about your hair?

A No.

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Q Or from anyone from the board of managers of Trump World Towers condominium about your hair?

A I don't know if I can answer that question accurately.

I was under the assumption that the Trump grooming policy was from them.

Q I am asking if you received any e-mail or correspondence from John Henriques or the board of managers of Trump World Towers concerning your hair or appearance.

A Exclusive of the grooming, no.

Q The grooming was a document you were handed that you don't know who prepared it, correct?

A Correct.

Q Were you ever told the reason you were terminated, by anyone?

A Yes. I know that I was on the phone with Dave Milani.

Q From Plus One?

A Yes.

Q Was he the person who told you you were being terminated, or was it someone else?

67 (Pages 262 to 265)

Page 266

1 266
2 A He was the one who told me I was
3 terminated.
4 Q Was that on June 16, or somewhere
5 about that?
6 A I am kind of thinking it was a little
7 built earlier than June 16.
8 Q Do you recall the date?
9 A No. It was in the week period that I
10 was at home. And he was saying at that point,
11 it might be best you look for another job.
12 June 16, I believe that's when he
13 said, we no longer want you employed at Trump or
14 Plus One.
15 Q Is this in person, he told you, or by
16 telephone phone, or something else?
17 A I remember this was over the phone.
18 Q Did he give you a reason for why you
19 were being terminated?
20 A I remember him distinctly saying that
21 he was -- Plus One did not like the fact that I
22 exercised my right to protect myself by calling
23 the police.
24 That was one of the reasons, I
25 believe. I remember him saying, we don't like

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2 267
3 it that you called the police.
4 Q Were those his words?
5 A I can almost pretty much say that it
6 was.
7 Q But he did not mention anything about
8 your appearance or your hair during the time he
9 told you you were being terminated, did he?
10 A Well, I know --
11 Q I am just asking whether he mentioned
12 it or not. I hate to cut you off.
13 MR. UMOH: Objection.
14 A I am sorry. Rephrase the question.
15 Q When Mr. Milani informed you you were
16 being terminated, did he mention that your hair
17 or your physical appearance was a reason for
18 your being terminated?
19 A He did not say that.
20 Q Miss Mann, I am going to show you
21 what has been previously marked as Defendant's
22 Exhibit 19.
23 A Okay.
24 Q Have you had a chance to look at that
25 document?
A Yes.

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1 268
2 Q Do you recall whether this document
3 was given to you by Plus One or by anyone else,
4 or where you came to be in possession of this
5 document?
6 A I am thinking it was Plus One.
7 Q Do you know when you would have been
8 given this document, or by whom?
9 A I don't remember about this.
10 I just remember specifically about
11 the one about the Trump regulations.
12 I don't remember whether this was
13 specifically Plus One, like generally for all
14 the employees.
15 Q Ma'am, I have to know where this
16 document originated. It does not have a
17 letterhead or anything else on it.
18 A I am assuming this is Plus One, and
19 not Trump.
20 Q Besides the fact it has nothing on it
21 that says who it is or what it is, I am just
22 asking you, because you furnished it to us. I
23 am asking you what this is supposed to
24 represent, since you supplied it.
25 A If I turned it over, it was turning

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1 269
2 over all the documents I had that I felt were
3 pertinent to the case that was needed.
4 Q Do you know if you got it off the
5 website, possibly, or from anywhere else,
6 because you seem to have attached it to the
7 other documents that were marked as Defendant's
8 Exhibit 20 that had the pictures of the two
9 general managers on it.
10 A I don't think it came from the
11 website, because it does not have the thing at
12 the bottom.
13 I don't remember. I know I did not
14 get this until I started working at Trump.
15 Q This document?
16 A Yes.
17 Q Okay. Ma'am, can you tell me the
18 basis of your claim that John Henriques and the
19 board of managers of Trump World Towers
20 condominium terminated your employment on the
21 basis of race and national origin?
22 A How did they terminate me?
23 Q This is your claim. I am asking you
24 to tell me the basis of your claim.
25 A They used the Robert incident as an

68 (Pages 266 to 269)

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1
2 excuse.
3 Q Well, did the Robert incident involve
4 any discrimination or any words or statements
5 about your hair or your appearance?
6 A Not directly from Trump.
7 Q Can you tell me the basis of your
8 claim that the board of managers of Trump World
9 Towers condominium and John Henriques acted in
10 bad faith in terminating your employment?
11 A I was not given the same treatment as
12 the other employees when they violated grooming
13 standards, although I did not violate the
14 grooming standards.
15 Q Well, did Mr. Henriques or anyone on
16 behalf of the Trump organization ever tell you
17 that you had violated any grooming standards?
18 A No. I never spoke directly to John
19 Henriques about my hair.
20 Q Or anyone on the board of managers of
21 Trump World Towers condominium?
22 A Correct.
23 Q Can you tell me the basis of your
24 claim that John Henriques or the board of
25 managers of Trump World Towers condominium acted

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2 in malice regarding your termination from
3 employment?
4 A Not dealing properly with the
5 harassment I was subject to from the resident,
6 Robert.
7 Q Can you think of any reason that
8 Mr. Henriques would have any malice towards you,
9 or the board?
10 MR. UMOH: Objection.
11 A I would say if they feel I am not
12 conforming to their grooming standards, they
13 want me out.
14 Q But they never told you that was the
15 case, correct?
16 A I never spoke to them directly.
17 Q Can you tell me the basis for your
18 claim that John Henriques and the board of
19 managers of Trump World Towers condominium and
20 John Henriques intentionally interfered with
21 your contract of employment with Plus One?
22 A It's all based on information that I
23 got from Dave Milani, because I did not speak
24 directly to the Trump board or Trump management
25 about my termination.

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1
2 Q Well, you told me earlier that when
3 Mr. Milani told you you were being terminated,
4 that his comment was that Plus One did not like
5 the fact that you had called the police.
6 A He said they don't like it and we
7 don't like it, referring to they, Trump.
8 He proceeded to raise his voice and
9 say, you don't call the police on a client.
10 Q Ma'am, is it your claim that by
11 calling the police on a client, that that was
12 not a valid basis for your termination?
13 A Can you repeat the question?
14 Q Yes.
15 MR. DERSCHOWITZ: Read it
16 back.
17 (Whereupon, the above referred
18 to question was read back by
19 the reporter.)
20 A Correct.
21 Q Ma'am, do you have any present
22 physical complaints or mental complaints
23 regarding the incident or regarding your
24 termination from employment at Plus One?
25 A Present complaints?

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1
2 Q Yes.
3 A Residual emotional distress.
4 Q Can you tell me how that manifests
5 itself?
6 A It has escalated to anxiety, heart
7 palpitations, mostly nervousness and anxiety,
8 and the mere fact that I am rehashing over this
9 right now.
10 Q Other than seeing the pastor, you
11 have not had any treatment or seen any other
12 doctors or social workers or anyone else since
13 the summer of 2007, right?
14 A Correct.
15 MR. DERSCHOWITZ: Off the
16 record.
17 (Discussion off the record)
18 CONTINUING EXAMINATION
19 BY MS. NORCROSS:
20 Q Miss Mann, you testified before that
21 there are other African American Plus One
22 employees working at the Trump site when you
23 were there, right?
24 A Yes.
25 Q who were they?

69 (Pages 270 to 273)

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1
2 A I believe his name was Kenrick, I
3 don't remember his last name. And Freddy
4 Nicholas.
5 Q On one of your documents, you
6 identified Freddy Nicholas as a person with
7 information about this case.
8 What information does he have, that
9 you know of?
10 A He was present during my employment.
11 He was present for the second Robert incident.
12 Q Okay.
13 A Basically, he was there at the time
14 of my Plus One employment.
15 Q Had you spoken to him about your
16 lawsuit or any of the facts underlying your
17 lawsuit?
18 A I did reach out to him, yes.
19 Q When did you do that?
20 A This is Freddy we are talking about
21 now?
22 Q Yes.
23 A I don't know specifically what date I
24 contacted him, but I know I did reach out to him
25 to have him give a statement of what happened.

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2 Q Did he give a statement?
3 A I don't know if he did an affidavit
4 and submitted to the court.
5 At this point, that's my answer, yes.
6 I don't know if he furnished something directly
7 to the court.
8 Q Have you ever seen a document
9 prepared by Freddy Nicholas relating to any of
10 your claims in this case?
11 A He sent me an e-mail that he would be
12 willing to give his account of the situation.
13 MS. NORCROSS: That e-mail
14 should have been produced, and I ask
15 that it be produced as quickly as
16 possible.
17 Q Is there anyone else you spoke to
18 regarding the factual claims you may have
19 here?
20 A I spoke directly to Mike Murray.
21 Q When was that?
22 A I don't know, roughly, but I know I
23 did speak to him.
24 It was definitely after my
25 termination at Plus One.

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1
2 Q Was it before or after you filed this
3 lawsuit? You filed the lawsuit in June of 2007.
4 A That's a hard call. I don't know. I
5 don't know if I did before or after. I can't
6 recall the specific dates right now.
7 Q Did you talk to him before or after
8 you went to Guam?
9 A It had to have been before Guam.
10 Q Why?
11 A Because Guam, I was so busy working,
12 and it was difficult to reach people here.
13 Q Did you feel better while you were in
14 Guam, while working for P.I.C.
15 MR. UMOH: Objection.
16 Q Better in the respect of the symptoms
17 that you described to Mr. Derschowitz?
18 A They were not as severe as they were
19 closer to my termination.
20 Q So would it be accurate to say you
21 were less anxious while you were in Guam?
22 A When I did not hear about the
23 lawsuit.
24 But as soon as I heard now there is
25 deposition issues, yes, it started back up

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1
2 again.
3 Q While you were working in Guam, and
4 other than when you had to think about the
5 lawsuit, you felt better than you had before you
6 went to Guam?
7 A I would say so.
8 Q What did you say to Mr. Murray, and
9 what did he say to you?
10 A I don't remember specifically,
11 verbatim.
12 I remember I asked him if he was
13 willing to make a truthful statement about what
14 happened.
15 Q And did he respond to you?
16 A He said, I remember what he was like,
17 Jordan.
18 He was very friendly. He was
19 basically saying, you know what, I would like
20 to, but I think I need to check this out with
21 Plus One first.
22 I was like okay, cool, fine.
23 Q As far as you know, did he check it
24 out with Plus One?
25 A Yes, he did check it out.

70 (Pages 274 to 277)

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1 He called me back, and he apologized
2 and said he was sorry, he could not make a
3 statement.

4 Q Did he tell you why?

5 A I don't think he went into detail as
6 to why.

7 From what I recall, it was basically
8 his supervisor said he was not allowed to.

9 Q Did he tell you that, or is that
10 something you are concluding from what he did
11 say?

12 A I don't remember concluding that.

13 It was like, they won't let me.

14 Q Now do you know whether or not
15 another employee or hire was placed in the
16 receptionist position at the Trump facility?

17 A When?

18 Q Anytime after you left?

19 MR. UMOH: Objection.

20 A I don't know, because I was not
21 working there anymore.

22 Q You said you have spoken to some of
23 your former co-workers, correct?

24 A Yes, I have.

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1 Q Did you ever ask them if anybody
2 replaced you?

3 A No. That was not my concern.

4 Q Did you have any reason to determine
5 what the race of the person who replaced you, if
6 anybody, was?

7 A My focus was on why I was not placed
8 to a different site. That was my discussion
9 with my former co-workers, because that was
10 policy.

11 Q Did you ever question why you were
12 not?

13 A I got some comments that it was not
14 right and it was discriminatory, it was
15 racist.

16 Q Who said it was racist?

17 A I remember particular Plus One
18 employees at the Goldman Sachs site who knew me
19 for at least two years while I worked at that
20 site.

21 Q Please give me their names.

22 A I believe her name was Debbie.

23 Q What race is Debbie, if you know?

24 A I don't know what race. I know she

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1 is of color.

2 Former co-worker, Sylvia, who was
3 actually employed at Trump.

4 Q Employed by Plus One at Trump?

5 A Contracted at Plus One to work at
6 Trump. She commented it was discrimination.

7 Freddy Nicolas commented it was
8 discrimination.

9 Tom Nizszczak, my former supervisor,
10 before he left, he commented that Jamie was in
11 the wrong, and that I should hold true to my
12 complaint.

13 Q Did he say Jamie was in the wrong
14 because of your race, or Jamie was in the wrong,
15 generally?

16 MR. UMOH: Objection.

17 A It was a bunch of things.

18 It's sort of like I am answering for
19 him, and I don't know what he was thinking.

20 Q I want to know what he said to you.

21 I understand you can't tell what
22 somebody else is thinking.

23 A I remember him saying, hold tight to
24 your complaint. Jamie was in the wrong.

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1 And then he went into detail how
2 Jamie did not supply him with all of the
3 information.

4 Q He had difficulties with Jamie, too,
5 correct?

6 A I was never privy to any of their
7 discussions.

8 Q Did Tom ever tell you he was having
9 trouble with Jamie or problems with Jamie?

10 A Tom told me he was having problems
11 with Trump management.

12 Q Did he say who at Trump?

13 A I can't specifically say.

14 I don't think he ever singled out
15 John Henriques, but it was always the
16 environment, whenever John Henriques came down,
17 we really had to be on point, because he was
18 looking at every little thing.

19 Q Would you agree with me, that's
20 normal, when you have somebody who is overseeing
21 your work --

22 MR. UMOH: Objection.

23 MS. NORCROSS: Let me finish
24 the question.

71 (Pages 278 to 281)

Page 282

1 282
 2 Q -- to be on a little bit on guard
 3 when the boss is looking at what you're doing?
 4 MR. UMOH: Objection.
 5 A I disagree. I would not say it was
 6 normal.
 7 Under certain circumstances, it was a
 8 very tenuous situation. They had problems with
 9 the relationship, and they were nitpicking.
 10 Q Trump was nitpicking?
 11 A Correct.
 12 Q Is it your view that nitpicking was
 13 based on race?
 14 MR. UMOH: Objection.
 15 A I thought we were just talking about
 16 generally why John Henriques would come down.
 17 Now you are going to something --
 18 Q It's a different question.
 19 My question is, is it your belief
 20 that John Henriques' nitpicking was based on
 21 race?
 22 A According to what Jamie MacDonald
 23 told me, then yes, it was based on race.
 24 Q Is that because you believe that John
 25 Henriques told Jamie that you could not continue

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2 283
 3 to work at the Trump facility?
 4 MR. UMOH: Objection.
 5 A It was basically how Jamie was
 6 presenting the whole entire situation.
 7 Q Let's talk about that.
 8 A Sure.
 9 Q You did not like Jamie very much, did
 10 you?
 11 MR. UMOH: Objection.
 12 A I did not know him enough to dislike
 13 him.
 14 Q Did you find him abrasive?
 15 A I found his comments disrespectful
 16 and harassful, yes.
 17 Q Did you find him to interact with
 18 anyone else that way?
 19 A Not to my recollection.
 20 I only remember dealing with him
 21 primarily about my hair.
 22 I did not know him until about a
 23 month into my employment at Trump.
 24 Q When you left, Freddy was still
 25 employed at Plus One, correct?
 A I am not sure if he remained.

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1 284
 2 Q At the time you left, was he still
 3 working there?
 4 A That day, June 9, as far as I know,
 5 he was still working that day.
 6 Q And what about Kenrick? Was he still
 7 working there?
 8 A Good question. I don't know about
 9 that.
 10 Q Have you told us everything that you
 11 believe supports your claim that you were
 12 working in a discriminatory, hostile
 13 environment?
 14 A I believe I gave all the major
 15 points.
 16 Q Are there any other points.
 17 A Well, because I am not a lawyer, I
 18 don't know how to answer it in a legal way.
 19 Q I am only asking, you told us all of
 20 the facts that caused you to believe you were
 21 subjective to a racially hostile working
 22 environment?
 23 A Based on your comment, I don't
 24 believe all the questions have been asked. I am
 25 sure there could have been something left out.

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1 285
 2 Q Other than what you have already told
 3 us, please tell me what additional facts there
 4 are that you think support your claim that you
 5 were working in a racially discriminatory
 6 environment.
 7 A One, the fact that it was quite weird
 8 how Jamie could not articulate, the first time
 9 he saw my hair, as to how it violated the
 10 policy.
 11 Number 2, in a meeting with Tom and
 12 I, he knew how I violated the policy and said
 13 that buns and twists can't be above three
 14 inches. I thought that interpretation was
 15 incorrect because my hair is not a bun, it's an
 16 Afro. This is how it naturally grows.
 17 He was interpreting incorrectly
 18 toward me, where it was subjective on how he was
 19 interpreting it.
 20 There had been employees who had been
 21 violating written policy from a grooming
 22 standard continually, and would walk by Jamie,
 23 and he never mentioned it at all.
 24 Even the same day, he just kept
 25 focusing on my hair, while other people, like

72 (Pages 282 to 285)

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1 286
 2 even after that incident, he would see other
 3 employees. Other employees would be violating,
 4 showing massive tattoos, hair wet, big hoop
 5 earrings, hair in their face, over their eyes.
 6 Q I am going to stop you.
 7 I want you to give me the specifics.
 8 MR. UMOH: You can allow her
 9 to speak and move to strike.
 10 She has to give her responses.
 11 You keep interrupting the witness.
 12 MS. NORCROSS: No, I don't
 13 keep interrupting the witness.
 14 The witness does not answer
 15 the questions.
 16 MR. UMOH: Please allow the
 17 witness to speak. This is going on
 18 all day.
 19 MS. NORCROSS: I am not getting
 20 into colloquy with you.
 21 MR. UMOH: The attorney is not
 22 allowing the witness to answer the
 23 question here.
 24 MS. NORCROSS: The record will
 25 speak for itself, the entire record

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2 287
 3 of this case.
 4 Q Anyway, let's do this. I will
 5 withdraw that question.
 6 Now here's what I want you to do.
 7 A Sure.
 8 Q For a lot of the day today, you have
 9 talked in generalities about this employee was
 10 doing, this employees was violating this policy.
 11 I would like you to tell me exactly
 12 the name of each person you claim was violating
 13 the grooming policy, and the portion of the
 14 grooming policy you contend he or she was
 15 violating.
 16 Do you understand what I am asking?
 17 A Yes.
 18 Q I want specifics, not generalities.
 19 A Let's see.
 20 All the women that were working at
 21 the facility would have hair over their eyes and
 22 in their face.
 23 Q Please give me their names.
 24 A Sylvia, I don't know her last name.
 25 Magaly, her last name is in the records. There
 was another receptionist. I don't remember her

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1 288
 2 name. She was a receptionist on the weekends,
 3 so I hardly saw her.
 4 Q Anyone else?
 5 A His name was Ryan. He would
 6 consistently have gel in his hair and would
 7 groom his hair to stand straight up, which could
 8 have been close to three inches, how he was
 9 grooming it.
 10 Q Anyone else?
 11 A In terms of the jewelry factor,
 12 Magaly was wearing hoop earrings larger than
 13 what was allowed on the Trump grooming policy.
 14 Q Anyone else?
 15 A Okay, I talked about Sylvia.
 16 I would have to look at the Trump
 17 grooming thing and I could let you know. I have
 18 to go through it, and it will tell me.
 19 MR. DERSCHOWITZ: Note my
 20 objection to the characterization of
 21 the Trump grooming thing. Maybe we
 22 can refer to it as an exhibit.
 23 Q While I am looking for that, let me
 24 ask you, do you have any personal knowledge as
 25 to whether or not Jamie or any other Plus One

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1 289
 2 employee spoke to the people you have named
 3 regarding the items you have identified: Hair,
 4 gel and hoops?
 5 MR. UMOH: Objection. Asked
 6 and answered.
 7 A Did I answer that already?
 8 Q No, did you not.
 9 Go ahead and answer.
 10 A I know I spoke directly with -- I
 11 made a point to not assume and do my ground
 12 work.
 13 No, they had never been called aside
 14 on those issues.
 15 Q You spoke to each one of these
 16 people?
 17 A Yes, I did.
 18 Q When?
 19 A During my employment at Trump.
 20 Q So sometime between April and June?
 21 A Yes.
 22 MR. UMOH: Objection.
 23 A You mean, were they violating policy
 24 between April and June?
 25 Q No. My question was, when did you

73 (Pages 286 to 289)

<p style="text-align: right;">Page 290</p> <p>1 290</p> <p>2 speak to them?</p> <p>3 A After April 5, 2006.</p> <p>4 Q So between April 5 and June 16,</p> <p>5 that's when you spoke to each one of these</p> <p>6 people?</p> <p>7 A Yes.</p> <p>8 Q If any or all of these folks were to</p> <p>9 testify that your recollection of the</p> <p>10 conversations you say you had with them was</p> <p>11 incorrect, would that surprise you?</p> <p>12 A No, it would not surprise me, if they</p> <p>13 were still employed by Plus One.</p> <p>14 Q Why is that?</p> <p>15 A Because I know, it just makes common</p> <p>16 sense, if you're employed by a company, your job</p> <p>17 is at stake, so you are going to follow the</p> <p>18 instructions of your employer; just like Mike</p> <p>19 Murray who said he could not, you know, be</p> <p>20 forthcoming of information.</p> <p>21 Q If what you testified to about your</p> <p>22 conversations with these people is accurate, and</p> <p>23 they disagree with you, or they say that you're</p> <p>24 wrong, are you then saying they would be</p> <p>25 lying?</p>	<p style="text-align: right;">Page 292</p> <p>1 292</p> <p>2 blatantly had things that were not acceptable.</p> <p>3 Q So you perceived it as being unfair,</p> <p>4 then; would that be correct?</p> <p>5 A I perceived it as being</p> <p>6 discriminatory.</p> <p>7 Q Explain to me why you concluded that</p> <p>8 it was because of your race.</p> <p>9 MR. UMOH: Objection. Asked</p> <p>10 and answered.</p> <p>11 MS. NORCROSS: No, she did not</p> <p>12 answer that.</p> <p>13 MR. UMOH: Objection. Asked</p> <p>14 and answered.</p> <p>15 A How I concluded I was being</p> <p>16 discriminated based on my race?</p> <p>17 Q I want to know why you believe that</p> <p>18 the dispute about your hair was because of your</p> <p>19 race and not something entirely unrelated to</p> <p>20 your race.</p> <p>21 A Based on the comments and how I was</p> <p>22 being treated.</p> <p>23 Q Well, this was asked before.</p> <p>24 But I want to make sure, in this</p> <p>25 context, no one said to you, we don't like your</p>
<p style="text-align: right;">Page 291</p> <p>1 291</p> <p>2 MR. UMOH: Objection.</p> <p>3 A No, I am not saying they are lying.</p> <p>4 Some people, they could remember it</p> <p>5 differently. The conversation could have been</p> <p>6 interpreted differently. There are just so many</p> <p>7 reasons.</p> <p>8 Q Would you agree with me, then, they</p> <p>9 might have understood the conversation</p> <p>10 differently than you did?</p> <p>11 MR. UMOH: Objection.</p> <p>12 A They could not have misunderstood my</p> <p>13 questions, you know.</p> <p>14 They could be responding about a</p> <p>15 particular time period.</p> <p>16 I would have to see their statement</p> <p>17 to say otherwise.</p> <p>18 Q You were looking at that exhibit to</p> <p>19 determine whether there was anyone else that you</p> <p>20 believe was in violation of a grooming standard.</p> <p>21 A I can think of those four people I</p> <p>22 named that I remember. I definitely made a note</p> <p>23 of that when I went through.</p> <p>24 It did not make sense that all this</p> <p>25 hoopla was about me and my hair, and they</p>	<p style="text-align: right;">Page 293</p> <p>1 293</p> <p>2 hair because it's African American hair, or</p> <p>3 anything like that; would that be correct?</p> <p>4 MR. UMOH: Objection.</p> <p>5 A They did not make a specific comment</p> <p>6 like you just quoted it.</p> <p>7 They said, We don't make allowances</p> <p>8 for people with hair like you.</p> <p>9 Q First of all, who said that?</p> <p>10 A Jamie MacDonald.</p> <p>11 Q Did you ask him what he meant by</p> <p>12 that?</p> <p>13 A I don't know if I did or not.</p> <p>14 Q Where is Jamie from, do you know?</p> <p>15 A No, I do not.</p> <p>16 Q Is he American?</p> <p>17 A I don't know if he is American or</p> <p>18 not.</p> <p>19 To make a comment like, Your hair is</p> <p>20 not current, you know. I mean obviously, he was</p> <p>21 alluding to the fact back in the '60s, like</p> <p>22 black people had Afros.</p> <p>23 Q How do you know that?</p> <p>24 A Well, I can't speak for Jamie.</p> <p>25 Basically how everything went down,</p>

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1 294
2 other employees who were nonblack were given
3 certain privileges, and I was not.

4 Q Tell me who those employees are and
5 what privileges they were given.

6 A I listed those four employees who
7 were able to consistently break policies, but
8 were never sent home for the day, were never
9 sent to Human Resources for discussion, was
10 never told that their job was in jeopardy based
11 on violating the policies.

12 I don't recall ever seeing anyone
13 being harassed. It was a continual thing. They
14 would come to work, and no one would say
15 anything.

16 And I am like, why am I the only one
17 being singled out?

18 Q Would you agree with me, that
19 conclusion might be incorrect if some of those
20 people have been disciplined, and you just did
21 not know about it?

22 A I don't think it's incorrect.

23 Q You don't think you're incorrect
24 when --

25 A I think if they were still employed,

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2 295
3 see, I don't know whether or not they were
4 disciplined after I got fired.

5 But I know that, like I specifically
6 asked them, have you ever been called out, and
7 they said no.

8 It could be a situation of like which
9 particular month they did get called out.

10 MR. UMOH: Off the record.

11 (Discussion off the record)

12 MS. NORCROSS: Mr. Umoh, do
13 you have a tape recorder on?

14 MR. UMOH: I don't have a tape
15 recorder.

16 Q I do have to tell you this.

17 MR. UMOH: Be careful what you
18 tell my client.

19 MS. NORCROSS: I am telling
20 her on the record.

21 MR. UMOH: Don't have a
22 conversation with my client --

23 I am recording you, by the
24 way.

25 MS. NORCROSS: Then I am not
continuing.

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1 296

2 Are you recording?

3 MR. UMOH: It's off.

4 MS. NORCROSS: Harold, could
5 you look at that and tell me if it's
6 recording?

7 Q All right, let's do this.

8 Are you okay?

9 A I am just tired.

10 Q Let's do this. You have a claim that
11 Plus One and Jamie MacDonald discriminated
12 against you because of your lawful off-duty
13 activities.

14 A Which were those?

15 Q I can show you where I am reading
16 from, and it's right here, that paragraph.

17 MS. NORCROSS: For the
18 record, I am showing her paragraphs
19 54 and 55 of the Third Amended
20 Complaint.

21 A After I got off duty, I went to
22 E.E.O.C. to file a complaint.

23 Q I want to know what the off-duty
24 activity was that you are referring to in that
25 claim.

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1 297

2 MR. UMOH: Objection.

3 A I am assuming when I got off duty, I
4 went to the E.E.O.C. to file a claim.

5 Q That paragraph does not refer to your
6 hair, right? The hair, all that occurred on
7 duty, correct?

8 A But the hair, that's why why I made
9 the charge to the E.E.O.C.

10 Q When you called the police, you did
11 that while you were on duty, correct?

12 A Yes, I was on duty.

13 Q By the way, have you -- to your
14 knowledge, have you sued Mr. Schuller, Robert
15 Schuller?

16 A No, I have not sued Robert
17 Schuller.

18 Q Is there any particular reason why
19 not?

20 A I can't find him.

21 Q There were some efforts made, were
22 there not, to attempt to place you in another
23 position within the Plus One system following
24 the Trump, after June 9, 2006, correct?

25 MR. UMOH: Objection.

75 (Pages 294 to 297)

<p style="text-align: right;">Page 298</p> <p>1 298</p> <p>2 A Repeat the question again.</p> <p>3 Q To your knowledge, did Plus One make</p> <p>4 any efforts to try to find you an alternative</p> <p>5 position after June 9, 2006?</p> <p>6 MR. UMOH: Objection.</p> <p>7 A I would be speaking for Dave, and you</p> <p>8 would have to ask Dave Milani, because he is the</p> <p>9 resources person.</p> <p>10 Q Did Dave tell you they were looking</p> <p>11 for --</p> <p>12 A I remember he said I should start</p> <p>13 looking for another job.</p> <p>14 Q Did Dave tell you they were looking</p> <p>15 to determine if there was another position for</p> <p>16 you at Plus One?</p> <p>17 A I don't recall him saying that.</p> <p>18 Q Did you ever ask him if he was making</p> <p>19 such an effort?</p> <p>20 A I don't recall.</p> <p>21 I know I was definitely still fixated</p> <p>22 on, did you do the investigation about the</p> <p>23 discrimination.</p> <p>24 Q Did you receive an answer to that</p> <p>25 question?</p>	<p style="text-align: right;">Page 300</p> <p>1 300</p> <p>2 that license; is that correct?</p> <p>3 MR. UMOH: Objection.</p> <p>4 A In June 2006, no, my application was</p> <p>5 not completed.</p> <p>6 Q Why did you decide to leave the</p> <p>7 P.I.C. Resort club before your contract</p> <p>8 expired?</p> <p>9 MR. UMOH: Objection. Asked</p> <p>10 and answered.</p> <p>11 A I did answer that earlier.</p> <p>12 Q To go to school, correct?</p> <p>13 A I answered earlier, that I had to</p> <p>14 come to the deposition.</p> <p>15 MR. UMOH: Objection.</p> <p>16 Q But you applied for school way before</p> <p>17 this deposition, correct?</p> <p>18 MR. UMOH: Objection.</p> <p>19 A Before the deposition, yes, I did</p> <p>20 apply, yes.</p> <p>21 Q When did you leave New York to go to</p> <p>22 Guam to work at the P.I.C. Resort club, what</p> <p>23 date?</p> <p>24 MR. UMOH: Objection. Asked</p> <p>25 and answered.</p>
<p style="text-align: right;">Page 299</p> <p>1 299</p> <p>2 A After I got terminated.</p> <p>3 Q You received the answer on June 16,</p> <p>4 did you not? Pardon me, June 19?</p> <p>5 A Yes. It was after I was</p> <p>6 terminated.</p> <p>7 Q Did you receive your termination</p> <p>8 letter and the letter regarding the</p> <p>9 investigation on the same day?</p> <p>10 A I don't believe so. I think they</p> <p>11 came in the mail different dates.</p> <p>12 Q You were not qualified to work as a</p> <p>13 massage therapist in New York in June 2006; is</p> <p>14 that correct?</p> <p>15 MR. UMOH: Objection.</p> <p>16 A When you say qualified --</p> <p>17 Q I will rephrase it for you.</p> <p>18 Is it your understanding that you</p> <p>19 must have a license to be a massage therapist in</p> <p>20 New York State?</p> <p>21 A In order to do full body massage and</p> <p>22 call yourself a massage therapist, you have to</p> <p>23 have a license by some New York government</p> <p>24 organization.</p> <p>25 Q And in June of 2006, you did not have</p>	<p style="text-align: right;">Page 301</p> <p>1 301</p> <p>2 MS. NORCROSS: No, it has not</p> <p>3 been asked and answered.</p> <p>4 MR. UMOH: Objection.</p> <p>5 Q I am just looking for a date.</p> <p>6 A Because of the time difference, I</p> <p>7 don't know whether it was the 21st or the</p> <p>8 22nd.</p> <p>9 Q Of which month?</p> <p>10 A February of 2008.</p> <p>11 MS. NORCROSS: I am going do</p> <p>12 stop. I don't have anything else to</p> <p>13 ask you tonight.</p> <p>14 I am not closing the</p> <p>15 deposition, for the reasons I</p> <p>16 explained to you before. There are</p> <p>17 some serious problems.</p> <p>18 THE WITNESS: However, because</p> <p>19 I am staying with my father, I have</p> <p>20 to know before I leave today, because</p> <p>21 it takes me two hours to get here.</p> <p>22 MS. NORCROSS: You're talking</p> <p>23 about tomorrow morning?</p> <p>24 THE WITNESS: No, we won't</p> <p>25 continue tomorrow morning.</p>

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1 302
 2 MR. DERSCHOWITZ: We are
 3 talking about rights, about deposing
 4 you in the future.
 5 EXAMINATION BY
 6 MR. UMOH:
 7 Q You testified earlier that the only
 8 documents that you turned over were the tax
 9 returns; is that correct?
 10 A No, they were not the only documents
 11 that I turned over.
 12 The only reason why I was focusing on
 13 the tax documents is because those were the most
 14 challenging, going back and forth with the
 15 accountant and trying to get my paperwork in
 16 storage.
 17 I know over the course of the time of
 18 this situation, I have given a copy of my
 19 employment contract with P.I.C., I have given an
 20 affidavit, e-mails. A photo of my hair I have
 21 given.
 22 The only reason I was focusing on the
 23 tax records is because that was the most
 24 challenging.
 25 Q Now all the documents you just

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1 303
 2 testified to that you turned over, were those
 3 documents that counsel directed you to turn
 4 over?
 5 A As far as I know.
 6 MS. NORCROSS: Objection. My
 7 objection is, it appears as though
 8 the question calls for Miss Mann to
 9 waive the attorney/client privilege,
 10 and that is how we are going to take
 11 it.
 12 MR. DERSCHOWITZ: I would
 13 agree.
 14 Q Let me rephrase the question.
 15 Earlier, you were asked whether or
 16 not you had turned over certain documents to
 17 your attorney.
 18 In response to that question, you
 19 stated that you turned over solely your tax
 20 documents; is that correct?
 21 MS. NORCROSS: Objection.
 22 A No, that's not correct.
 23 I turned over more documents than my
 24 tax records.
 25 Q On Saturday, August 9, 2008, did you

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 2 and I meet to prepare for this deposition?
 3 A Yes, we did meet.
 4 Q Without divulging any of our
 5 conversations, how long did we meet on Saturday
 6 to discuss this deposition?
 7 MS. NORCROSS: Objection.
 8 Asked and answered.
 9 A I know it was not more than two
 10 hours, but it could have been an hour and a half
 11 MR. UMOH: That's it.
 12 CONTINUING EXAMINATION
 13 BY MS. NORCROSS:
 14 Q Did you have any conversation with
 15 anybody -- I don't want to hear the substance of
 16 it.
 17 Did you have any conversation with
 18 anybody about the length of your deposition prep
 19 between the time I asked you the question this
 20 morning and just now?
 21 A Repeat that question.
 22 Q Did you prepare for that particular
 23 question at any time between this morning and
 24 now?
 25 A I had talked about the deposition,

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 2 but I was not staged to say that answer.
 3 MS. NORCROSS: Move to
 4 strike.
 5 Q My question was whether you had any
 6 conversation about that question.
 7 A And which question was that?
 8 Q The question of how long did you meet
 9 with your lawyer to prepare for your deposition.
 10 A I am trying to think.
 11 MR. UMOH: I object to the
 12 question.
 13 A I know when I was hesitant to say
 14 about my meeting with my lawyer, because I
 15 thought it was attorney/client privilege.
 16 That's why I was like, I don't know if I should
 17 say this.
 18 Then I was asking, is it okay to say
 19 these things.
 20 Q You don't need to tell me the
 21 substance of your conversations with your
 22 lawyer.
 23 MR. UMOH: I will direct she
 24 not answer that question.
 25 MS. NORCROSS: I am not asking

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substance.

MR. UMOH: I would direct that she not answer.

Q I am not going to try to force you to answer it right now.

Let me just say, number one, this question does not go to the attorney/client privilege.

MS. NORCROSS: I have no further questions.

(Whereupon the E.B.T. was concluded at 9:00 p.m.)

JORDAN MANN

Subscribed and sworn to before me this ____ day _____, 2008.

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JORDAN MANN

ERRATA SHEET
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CERTIFICATE

I, SANDY ESKENAZI,
a Shorthand Reporter and Notary Public of the
State of New York, do hereby certify:

That JORDAN MANN,
the witness whose examination is hereinbefore
set forth, was duly sworn, and that such
examination is a true record of the testimony
given by such witness.

I further certify that I am not related to
any of the parties to this action by blood or
marriage; and that I am in no way interested in
the outcome of this matter.



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